

**PROCEEDINGS OF THE
ATLANTIC STATES MARINE FISHERIES COMMISSION
AMERICAN LOBSTER MANAGEMENT BOARD**

The Langham Hotel
Boston, Massachusetts
November 7, 2011

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INDEX OF MOTIONS

1. **Approval of Agenda by consent** (Page 1).
2. **Approval of Proceedings of May, 2010** by consent (Page 1).
3. **Motion to approve Option 3 of Addendum XVII to reduce exploitation by 10 percent for the commercial and recreational sectors throughout the Southern New England Stock Area with the reduction in exploitation applying to all gear types. The state agencies will be asked to convene meetings of the LCMTs in Areas 2 through 6 and other interested parties for purpose of recommending methods of exploitation reduction consistent with the options in Draft Addendum XVII. If an LCMT recommends an option that is inconsistent or deviates from Addendum XVII, the proposal will first be reviewed by the technical committee who will formalize a recommendation for the board meeting in February. The board shall enact final approval of the addendum at the February 2012 meeting** (Page 5). Motion by Dan McKiernan; second by William McElroy. Motion defeated (Page 16). Motion to reconsider by Rep. David Watters; second by William McElroy (Page 18). Motion to reconsider carried (Page 18).
4. **Substitute motion to delay a decision on any management measure in Draft Addendum XVII for LCMAs 3, 4 and 5 until such time as the PDT and technical committee resolves outstanding data issues with New Jersey Marine Fisheries Administration Staff on the three bulleted issues identified in the October 28, 2011, letter submitted from Mr. Dave Chanda, Director, New Jersey Division of Fish and Wildlife, to Mr. Mark Gibson, Chairman, ASMFC American Lobster Management Board** (Page 6). Motion by Peter Himchak; second by Tom O'Connell. Motion defeated (Page 9).
5. **Substitute motion to approve Addendum XVII to reduce exploitation by 30 percent for the commercial and recreational sectors throughout the Southern New England Stock. Area 4 and 5 would be exempt for a period of one year** (Page 12). Motion by G. Ritchie White; second by Terry Stockwell. Motion defeated (Page 16).
6. **Amendment to the original motion to approve Draft Addendum XVII with a 10 percent reduction in exploitation as the first phase. States will submit plans by December 24, 2011, for technical committee review and board approval at the February meeting. Plans will be implemented no later than July 1, 2013. As a second phase initiate Draft Addendum XVIII to scale the Southern New England Fishery to the size of the Southern New England resource. Options in the document will include recommendations from the LCMTs, TC and PDT. These options would include but are not limited to a minimum reduction in traps fished by 25 percent** (Page 18). Motion by Terry Stockwell; second by Pat Augustine. Motion carried (Page 23).

ORIGINAL MOTION REWORDED (PAGE 24): Motion to approve Option 3 of Addendum XVII to reduce exploitation by 10 percent for the commercial and recreational sectors throughout the Southern New England Stock Area with the reduction in exploitation applying to all gear types as the first phase. The state agencies will be asked to convene meetings of LCMTs in Areas 2 through 6 and other interested parties for purposes of recommending methods of exploitation reduction consistent with the options in Draft Addendum XVII. State will submit plans by December 24, 2011, for technical committee review and board approval at the February 2012 ASMFC Meeting. Plans will be implemented no later than January 1, 2013, with a possible extension for legislative

processes. As a second phase initiate Draft Addendum XVIII to scale the Southern New England Fishery to the size of the Southern New England Resource. Options in the document will include recommendations from the LCMTs, technical committee and PDT. These options would include but are not limited to a minimum reduction in traps fished by 25 percent. Motion carried (Page 24).

7. Move to proceed with Draft Addendum XVIII on LCMA 2 and 3 Effort Control Programs to meet the terms of the second phase in the previously approved motion (Page 29). Motion by Bill Adler; second by William McElroy. Motion carried (Page 31).

8. Adjourn by consent (Page 34).

ATTENDANCE

Board Members

Terry Stockwell, ME, proxy for P. Keliher (AA)	Lance Stewart, CT (GA)
Pat White, ME (GA)	Rep. Craig Miner, CT (LA)
Sen. Brian Langley, ME (LA)	James Gilmore, NY (AA)
Dennis Damon , ME, Legislative Proxy	Pat Augustine, NY (GA)
G. Ritchie White, NH (GA)	Byron Young, NY, proxy for Sen. Johnson (LA)
Douglas Grout, NH (AA)	Peter Himchak, NJ DFW, proxy for D. Chanda (AA)
Rep. David Watters, NH (LA)	Tom Fote, NJ (GA)
Rep. Dennis Abbott, NH, Legislative Proxy	Adam Nowalsky, NJ, proxy for Asm. Albano (LA)
William Adler, MA (GA)	John Clark, DE, proxy for D. Saveikas (AA)
Paul Diodati, MA (AA)	Roy Miller, DE (GA)
Dan McKiernan, MA, Administrative Proxy	Bernie Pankowski, DE, proxy for Sen. Venables (LA)
Bob Ballou, RI (AA)	Tom O'Connell, MD (AA)
Mark Gibson, RI, Administrative Proxy	Bill Goldsborough, MD (GA)
Rick Bellavance, RI, proxy for Rep. Martin (LA)	Russell Dize, MD, proxy for Sen. Colburn (LA)
William McElroy, RI (GA)	Bill Cole, NC (GA)
Rep. Peter Martin, RI (LA)	Bob Ross, NMFS
David Simpson, CT (AA)	

(AA = Administrative Appointee; GA = Governor Appointee; LA = Legislative Appointee)

Ex-Officio Members

Carl Wilson, Technical Committee Chair

Joe Fessenden, Law Enforcement Committee Chair

Staff

Vince O'Shea
Robert Beal

Toni Kerns
Mike Waine

Guests

David Pierce, MA DMF
Nichola Meserve, MA DMF
Derek Perry, MA DMF
Kelly Whitmore, MA DMF
Stephanie Cunningham, MA DMF
Bob Glenn, MA DMF
Wesley Patrick, NMFS
Matt Cieri, ME DMR
Brad Stevens, Univ. of MD
Janice Plante, Commercial Fisheries News
Kyle Overturf, CT DEP
Jeff Marston, NH F&G
John Tulik, MA Env. Police
Candy Thomson, Baltimore Sun
Tracy Pugh, MA DMF

David Spencer, AOLA
Warren Doty, Chilmark, MA
Colleen Giannini, CT Marine Fisheries
Penny Howell, CT Marine Fisheries
Leta Etheridge, NOAA
Janet Coit, RI DEM
Abigail Clark, Univ. of NH
Raymond Kane, CHOIR
John Whittaker, Noank, CT
Arnold Leo, E. Hampton, NY
Bonnie Spinazzola, AOLA
Larry Dillinger, RILA
Alison Fairbrother, Public Trust Project, DC
Peter Burns, NMFS
Bob Ross, NMFS

The American Lobster Management Board of the Atlantic States Marine Fisheries Commission convened in the Wilson Ballroom of the Langham Hotel, Boston, Massachusetts, Monday morning, November 7, 2011, and was called to order at 10:45 o'clock a.m. by Chairman Mark Gibson.

CALL TO ORDER

CHAIRMAN MARK GIBSON: Okay, I'm going to call the American Lobster Board to order. My name is Mark Gibson from the state of Rhode Island and welcome to the annual meeting.

APPROVAL OF AGENDA

CHAIRMAN GIBSON: The first item on the agenda is the agenda. I'm aware of a request from the state of New Jersey, from Director Chanda, for time for them to address issues.

I note that we already have an agenda item for Addendum XVII, which was referred to in Director Chanda's letter. We also have an agenda item for the next step, which potentially would be another action. Peter, if you have an agenda item that you think isn't going to be covered by those, I'd like to know about it now and maybe we could accommodate it.

MR. PETER HIMCHAK: Mr. Chairman, I'm looking at the agenda and trying to determine the most – I mean, it is a very specific request and it has tasks that it also requests subsequent to this meeting. I think it would be most appropriate at the end of Agenda Item 4, before action is taken.

If I could explain the basis of the letter, it could save some time on the selection of management options and implementation dates. I have a motion that I have submitted to staff that could have significant bearing on the timeliness of this meeting, and I would request that I at least get to present the substantive remarks in Mr. Chanda's letter.

CHAIRMAN GIBSON: I guess what I'll do is see how our discussion on Draft Addendum XVII goes; and if it's appropriate and you get recognized, then we'll go there. Any comments on the agenda or requests for changes? Seeing none, the agenda stands approved with those comments.

APPROVAL OF PROCEEDINGS

CHAIRMAN GIBSON: The next agenda item is for approval of the proceedings from our August board meeting, which my vice-chair chaired, and thank you again, Mr. Grout, for that.

Are there any comments or requests for edits on the proceedings from the August meeting? Are there any objections to approving the proceedings from our August meeting? Seeing none, those stand approved.

PUBLIC COMMENT

CHAIRMAN GIBSON: The next item is public comment, and this is an opportunity for individuals to address this board on items not on the agenda relative to American lobster. Is there anyone wishing to address the Lobster Board at this time? Seeing none, I will move on to Item 4. Bob.

MR. ROBERT E. BEAL: Mr. Chairman, I just wanted to quickly introduce someone to the Lobster Management Board and all the other commissioners here. Sitting next to Joe Fessenden is Mark Robson from Florida. He is our new Law Enforcement Committee Coordinator. He is a familiar face to a lot of our southern states, but the American Lobster Board obviously doesn't have the southern states on it. The lobsters that Mark is used to dealing with don't have claws, so he is trying to figure these guys out. I just want to introduce him to you. He will be at the LEC Meeting this afternoon and tomorrow morning as well.

CHAIRMAN GIBSON: Thank you, Bob, and welcome, Mark. I also wanted to note that this is configured as a split meeting with a lunch break, targeting 12:30, so what I'm hoping we can do is to get through the Addendum XVII issues, break at that time and then begin discussions when we come back into session to talk about the next steps and a potential initiation of another action to guide those steps. Addendum XVII, Toni.

DRAFT ADDENDUM XVII

REVIEW OF OPTIONS

MS. TONI KERNS: Today I'm going to go through just to remind the board what the options were in the actual addendum itself and go through the public comment that we received. Draft Addendum XVII was out for public comment in September and October. The purpose of this draft addendum from the August board meeting was that we reduce exploitation by 10 percent.

The options that were listed in the draft addendum to achieve this were; one, status quo, which would not reduce exploitation by 10 percent. We'd just remain with the current regulations that are in place for all

the management areas within Southern New England, and that's Areas 2, 3, 4, 5 and 6.

The second option was the harvest moratorium for up to five years. This option stayed in the document per the board's request because this was the option that the technical committee had given the advice to the board that would start rebuilding the resource the quickest. Option 3 was to reduce exploitation by 10 percent.

There were three different ways this reduction could be achieved; either through season – if a season option were to be chosen, the board would have to decide whether or not traps were to remain in the water during the season closure or if traps would have to be taken out of the water during the season closure.

There could be a size limit change; either change the minimum and/or the maximum size or a combination of a size limit change and the season. If one of the LCMAs decided to do a change in the size limit or the season together, then the technical committee would need to review that proposal to make sure it did meet the 10 percent reduction.

Just a reminder to the board, the board decided that each of the LCMAs would be able to implement management measures unique to their LCMA; but if more than one state fished within that LCMA's – such as, for example, Area 6 is fished by both Connecticut and New York fishermen and both state's fishermen would have to follow the same regulations for that LCMA. Each state could not have individual regulations.

The second part of the addendum looked at establishing a subcommittee to evaluate the jurisdiction's ability to monitor various input and/or output controls, such as quota-based management. If the board does establish this subcommittee, then the board would need to provide clear guidance to the plan development team on what types of goals and objectives you're looking for in that effort control.

And then if the board was to adopt a moratorium, then states would not be required to sample the fisheries through sea and port sampling, and the technical committee can provide guidance to the board in determining what type of fishery-independent surveys would be needed to continue with assessments for the Southern New England Lobster Fishery.

In terms of implementation, if the board does adopt one of the options within the document outside of

status quo, the states would need to submit management programs to achieve the measures that are approved in the option, and then they would also need to give us dates for implementation of those measures.

As a reminder, Option 3, which was the 10 percent harvest exploitation reduction, the measures would be in place for two to four years. In the draft addendum it stated that those measures would start in 2013, so we would have to decide how many years they would need to be in place, and if that implementation date of 2013 is what the board would like to do. Then the board would also need to determine whether or not they want to make recommendations to NOAA Fisheries to implement the measures that the board approves.

PUBLIC COMMENT SUMMARY

MS. TONI KERNS: We held seven public hearings in five states. Connecticut held three of those hearings in their state; approximately 106 attendees in all of the public hearings combined. We received 23 written comments and three of those were from organizations. The majority of the commenters preferred the status quo option. There was a table that was passed out or it was in your meeting materials that go through the number of individuals that preferred each of the options.

In some of the hearings I did not have the actual list of numbers of those that favored one option or the other. There was one individual who wrote in that was in favor of a moratorium and five individuals that were in favor of the 10 percent reduction. Some of the common comments that I heard throughout the letters and at the hearings included the following; that a January/April closure would be good and have minimal impact on the market as well as good for safety reasons and fishing; that Area 3 LCMA should be split into three management areas or permit designations, and that is to get at the fact that we have Area 3 fishermen that are fishing in all three of the biological stock units; so Gulf of Maine, Georges Bank and Southern New England.

Before adding any other measures, we should allow for the transferability program to come into place. Area 3 should be given credit for the measures that they've put in place in the most recent years. We should set a standard minimum and maximum size limit at 3-1/2 inches minimum size and a maximum at 5-1/4 for all areas that fish within Southern New England.

The New Jersey south fishermen felt they made up very little of the catch and there are already very few permits, so they do not feel there should be any additional measures in their areas. The Area 2 fishermen felt that they've already reduced their permits significantly, which would account for the 10 percent reduction.

Some of the New Jersey fishermen, especially the divers, requested that if regulations are put in place, that we do not put different size limits within New Jersey between the Area 4 and Area 5 since that is split right down basically the center of New Jersey. A V-notch program should be set up for all of Southern New England. There should be an implementation of an offshore data collection program since we have very little especially sea-sampling data in the offshore as well as have additional harvester reporting; as well as we should improve all other data collection from the other areas.

Some of the commenters that commented specifically about Area 6 stated that a September/October closure would work well for them. If there was a season closure and trap removals were required, that we consider an exemption for those who also have a finfish permit to fish in those pots as well; so, for instance, those with significant black sea bass and tautog fishery in the New Jersey area where their fishermen are also catching lobster and finfish; and so if there was a removal of traps, they would still want to be able to fish for black sea bass and tautog, so somehow determining regulations so they wouldn't be prevented from doing so.

I also heard that the vent size that we currently have in place is too large for the current minimum size limit and the fishery is losing much of their legal catch. That's sort most of the common themes that I heard from the public comments.

CHAIRMAN GIBSON: Thanks, Toni. Law Enforcement Committee Report is next.

LAW ENFORCEMENT COMMITTEE REPORT

MR. MARK ROBSON: Again, my name is Mark Robson and I'm the new Law Enforcement Committee Coordinator. I've been asked to kind of summarize the comments that were made by a group of the Law Enforcement Committee on this addendum. A letter has been included in your package, so you should have that available to you.

But just to quickly summarize, one of the first things that I was tasked with when I was hired was to help pull together a conference call with the key Law Enforcement Committee members from the northeast states to discuss their concerns about the addendum and the possibility of continually diversifying and having different sets of regulations in the different LCMAs or different jurisdictional areas.

We had a conference call back in the end of September, and there were representatives there from basically all the states from Maine down to New Jersey. The overriding issue, of course, dealt with Option 3 in terms of the 10 percent alternatives that are in that document and a general concern of the group, which is expressed in the letter, is that if in fact the LCMAs start to move in different directions as far as minimum size or maximum size or different time periods for a closed season, that that is just going to further complicate the fishermen compliance issues and the ability of the officers on the water and at the dock to enforce those regulations.

We do have close to consistency on the minimum and maximum size limits, but it was particularly pointed out, for example, in areas where you do have a high interaction among the LCMAs, such as for Area 2, 3 and 6 and even maybe Outer Cape Cod Bank Areas, that if you start to have differing size regulations or different closed season periods, that is going to present a real problem for enforcement because a lot of those may be multiply permitted to different areas and they would be landing in some of the same – they may be all coming to common landing points.

That was the general nature of our response and comments that's in the letter. There really wasn't an overriding consensus as far as whether they would prefer a size limit change versus a closed season; but with regard to the closed season, the same kinds of concerns would apply; that to the extent possible, particularly where you have contiguous areas, that we do everything we can with the states and the jurisdictions to have consistent closed periods because it will help not only the enforcement at the dock and on the water but it will help simplify and improve compliance with the fishermen.

Of course, Joe Fessenden is on this committee and can certainly address these issues more than I can. I had a hard enough time during the conference call not saying "spiny lobster", so I am a newbie in this. And I didn't succeed, by the way, but that pretty much summarizes the text of our comments.

CHAIRMAN GIBSON: Thank you. I should have asked prior to this does anybody from the board have questions on the three bullets we just covered; review options, public comment summary or the Law Enforcement Committee Report? Yes, Peter.

CONSIDERATION OF APPROVAL OF ADDENDUM XVII

MR. HIMCHAK: Mr. Chairman, I'd like to ask if there were any LCMT reports submitted on the draft addendum? I draw attention to I guess New Jersey Chapter of LCMTs 3, 4 and 5 that were submitted. It's in the supplemental materials. We did invite other states that share these LCMA's with us, and where do these fit into the discussion on the agenda today?

CHAIRMAN GIBSON: Toni is going to address that.

MS. KERNS: Pete, as you said, you did submit LCMT reports, but you held New Jersey State LCMT reports, which is not within our LCMT program as designed in the FMP is set up, because LCMTs are set up to be for all states within that LCMT; so you had an Area 3 LCMT meeting, but you didn't have the chairman of the Area 3 LCMT at that meeting. It's difficult for me to give a report on the entire Area 3 LCMT as it's set up in the plan because the FMP is not set up to implement state-specific measures for lobster for each of the LCMTs.

CHAIRMAN GIBSON: Followup for that, Peter.

MR. HIMCHAK: Yes, well, everything is unorthodox in this management process, and I've been trying to get Area 5 LCMT members for over a year, and I've had one meeting and one person from Maryland showed up. You know, again, I invited New York. They may not have had enough sufficient time to get to Belmar, I don't know, but I was not going to pass up the opportunity for the LCMTs to at least have a chance to comment on the options in the addendum.

I did the best I could. I reached out to all the states south of New Jersey for Area 5 and 3. I think the opportunity was there and I think the comments are – you know, like Area 5, I honestly don't think most people in New England know the type of fishery in Area 5, and I think it's important that these become a matter of record.

CHAIRMAN GIBSON: Pete, the way I see this I'm expecting in our discussion of Addendum XVII there will be obviously motions made relative to the

options in the addendum. If those play out in terms of an exploitation cut, I'm also expecting that there will be a tasking back to the LCMTs for their input on approaches to achieve that exploitation cut. I think we're fully prepared to have the LCMTs engage the issue of the specific measures to achieve exploitation cuts. Now, if it's the board's preference that it's status quo, then we probably don't need any LCMT input; or if it's a moratorium we probably don't need any LCMT input either.

But if it's a level of exploitation, then it's my expectation that there will be a tasking back to those LCMTs, the way Toni has described them and the way they are configured under Amendment 3, to provide input on that exploitation and how it would be achieved. Yes, Peter.

MR. HIMCHAK: Well, with all due respect, Mr. Chairman, at that point you're asking them, that decision has been made for them and then you're going to – the obvious message in all three reports was that they weren't going to agree to a 10 percent reduction in exploitation, so now you're essentially saying, well, develop the mechanisms and go ahead and do it.

CHAIRMAN GIBSON: I think the board at their last action already specified that was the thrust of this addendum, and it has gone to public hearing as such. I think we're in the position now of the board coming to a closure as to is that the percentage exploitation cut they're going forward with in an action.

Then, I think, again, there is an opportunity to task the LCMTs, so it's possible if not likely that this will be a two-phase approval of the addendum; that is a choice of the exploitation reduction now and perhaps at our winter meeting reports from the LCMTs on how they intend to achieve that. Now, again, if the board is convinced that there doesn't need to be an exploitation cut at this meeting, there is an option in there that they could select. I think that brings us to as a good segue into Addendum XVII discussion, so I will open it up to the board for discussion. Yes, Bill Adler.

MR. WILLIAM A. ADLER: Mr. Chairman, before you leave the law enforcement, I wanted to ask with regard to that if they do pick a closed season for lobstering and the traps are removed, there was also the opportunity for some of these fishermen to do fish potting. Now, does law enforcement envision some type of a problem if they closed the season on lobstering for a period of time, but at the same time opportunities to fish pot are open, and does law

enforcement see any problem if that's the case? Thank you.

COLONEL JOE FESSENDEN: Bill, I really don't see any problem. We made it clear that we want to see the traps removed from the water. Lobster traps that are properly tagged, those traps would be removed from the water. Certainly, any bycatch of lobsters in those miscellaneous traps, sea bass traps, whatever, would have to be liberated and could not be taken.

MR. BOB ROSS: Just on a followup to that, we've had these discussions about the definition of a lobster trap versus other traps for some time. Under federal regulations we consider any trap fished by a federal permit holder with a lobster permit to be a lobster trap. Under a scenario like this, I think we would have difficulty.

Other than an exemption that we provide to Area 5 black sea bass fishermen that allows them to fish an unlimited number of traps, if there is a closure of the pot fishery in these areas, it would be our contention that for federal permit holders these traps are capable of catching lobster; therefore, they are lobster traps. Regardless of what the fisherman intends to call them, we consider them to be lobster traps.

MR. ADLER: All right, just right there creates a possible problem if not with the law enforcement part but just with the federal rules; the fact that if you were close down lobster fishing for a period of time; i.e., a closed season, okay, if they pick that, but if they have the opportunity to earn some living from something else that they are licensed to do, I see a possible problem here if they can't go do that according to what Bob Ross has said. I brought that up for enforcement, but I also see the possible problem with the legalities of the federal permit, et cetera, et cetera. I'm just making note of that. Thank you.

MR. HIMCHAK: Yes, well, that's the very nature of Area 5 is that it's a directed black sea bass pot fishery with a bycatch of lobsters in New Jersey, Delaware, maybe Maryland, maybe Virginia. I don't know how far down it goes, but they fish under that waiver in Area 5, and it's a black sea bass fishery. If there is a seasonal closure, are they going to be required to move their gear out of the water because they may encounter a lobster? They're already limited to a lobster bycatch trap allowance per day as they're black sea bass fishing.

MR. DAN McKIERNAN: I think this issue can be resolved on an LCMT level and on a regional level. I can tell you that for Massachusetts our other fish pot fisheries are all licensed separately and we issue separate trap tags for those fisheries. Furthermore, if we were to adopt any kind of a wintertime closure, we have no pot fisheries during our wintertime for anything except lobster.

I think in theory it's a problem and it may be a problem in some LCMAs that this needs to be worked out, but in the core area of Massachusetts and Rhode Island, for Area 2, anyway, I don't think it's a problem if we choose the winter months, if we choose 10 percent, so I think we're getting ahead of ourselves.

CHAIRMAN GIBSON: Good point, Dan. Toni, you have a question for the Service.

MS. KERNS: Bob, do you think it would be possible to do special tags for those individuals that have a lobster permit as well as a multi-species permit that fishes for black sea bass or tautog during this area in a time when it's closed to try to resolve that issue, potentially?

MR. ROSS: I think I would have a hard time at this point saying yes or no. A lot of the tags are issued through memorandums of understanding with the states, so I'm unclear on the turnaround time for something like that. And also just to let me clarify what Pete Himchak identified, I believe for our Area 5 participants from New Jersey south, under their waiver they are allowed to fish an unlimited number of black sea bass traps, so I don't think the Area 5 participants are impacted by this issue of a definition of a lobster trap. It would be states to the north.

CHAIRMAN GIBSON: Maybe as Dan suggested, we're getting a little ahead of that and we need to conclude where we're going with the element of Addendum XVII. Does the board have some discussion on that and/or a motion to start the process? Dan.

MR. McKIERNAN: I have a motion that I've given staff to approve Option 3 of Addendum XVII.

CHAIRMAN GIBSON: Motion by Dan and second by Bill McElroy. Do you want to speak to the motion, Dan?

MR. McKIERNAN: Shall I read it into the record?

CHAIRMAN GIBSON: Yes, please.

MR. McKIERNAN: **Motion by Dan McKiernan to approve Option 3 of Addendum XVII to reduce exploitation by 10 percent for the commercial and recreational sectors throughout the Southern New England Stock Area with the reduction in exploitation applying to all gear types. The state agencies will be asked to convene meetings of the LCMTs in Areas 2 through 6 and other interested parties for purpose of recommending methods of exploitation reduction consistent with the options in Draft Addendum XVII. If an LCMT recommends an option that is inconsistent or deviates from Addendum XVII, the proposal will first be reviewed by the technical committee who will formalize a recommendation for the board meeting in February. The board shall enact final approval of the addendum at the February 2012 meeting.**

CHAIRMAN GIBSON: Thanks, Dan. Having heard the motion, do you still second, Bill? Seconded by Bill McElroy. Board discussion on the motion. Pete Himchak.

MR. HIMCHAK: Well, I think at this point this is what I wanted to prevent because I have a motion. I would make a substitute to this motion and it all hinges on the letter from our director to the board to eliminate Areas 3, 4 and 5 from this motion. I'm prepared to make a separate motion specific to those areas not for a specific management option and addendum but for further analysis. Here is where the letter explains the genesis of my motion and the substitute motion; and when you want me talk about it, I'll be more than happy to.

CHAIRMAN GIBSON: Do we have the substitute motion?

MR. HIMCHAK: Yes, we do.

CHAIRMAN GIBSON: And do you want to make that at this time?

MR. HIMCHAK: **Okay, it is move to delay a decision on any management measure in Draft Addendum XVII for LCMAs 3, 4 and 5 until such time as the PDT and technical committee resolves outstanding data issues with New Jersey Marine Fisheries Administration Staff on the three bulleted issues identified in the October 28, 2011, letter submitted from Director Dave Chanda, Director, New Jersey Division of Fish and Wildlife, to Mr. Mark Gibson, Chairman,**

ASMFC American Lobster Management Board.
If you would like an explanation, I would –

CHAIRMAN GIBSON: Let's see if there is a second to the motion. Seconded by Tom O'Connell. Peter, I point out that New Jersey hasn't responded to some requests for information I think from the technical committee on these issues that you've raised, so it's difficult for me to understand how we're going to be tasked with doing further analysis when the state of New Jersey hasn't come forward with the original information. Carl or Toni, would you be able to speak to the original exchange of information or lack thereof?

MR. CARL WILSON: Well, you have three points. The first is about catch-per-unit effort data, and I think that is well documented in other lobster fisheries in the northeast about the stability of catch-per-unit effort through changing lobster abundance or other resource abundance underneath what the fishery is doing.

That is why fishermen are attempting to fish is to maintain their catch rates and/or increase it. Bob Glenn from the state of Massachusetts has a great example of that in Area 2 of changes in the resource and where the resource is going and the fishery is able to maintain their catch rates through pretty dramatic changes in the resource.

The second as far as trawl surveys, the technical committee did discuss the New Jersey contribution, and the trends from New Jersey don't match the supply trends from New Jersey for the last assessment, and so we had additional questions back to the state of New Jersey of where and what kind of format that data was generated and presented to us. We're still waiting on that as well.

CHAIRMAN GIBSON: Pete, it seems to me where you're at with this is that you brought forward some additional information. The technical committee has raised some questions about that. It seems to me there is an obligation on the part of the state of New Jersey to analyze information and bring that forward when we go forward with terms of reference for the next benchmark assessment and when data working groups are established for that assessment.

The information data base that supports the assessment right now, which is the foundation of our action along with the technical committee report and the independent reviewers, that is the base of information we have to support this action. I let this motion go forward out of respect for your agency

director, but I'm concerned about trying to drag additional information in here that wouldn't be included in the benchmark peer review process, setting of terms of reference and our technical committee evaluation of that. Peter.

MR. HIMCHAK: I'm responding to the plan development team and technical committee report of the New Jersey Proposal that we received three days before the August board meeting. The comments on our CPUE analysis that we use as a condition of stock condition includes a number of assumptions that are blatantly incorrect.

We also point out the lack of any discussion of our use of data on the extremely low incidents of shell disease as an indicator of environmental health. This is throughout our entire fishery, so I'm not bringing up new data. I'm answering the – I got the plan development report. and it's as the letter says we believe it's totally deficient and does not answer the original data requests or data presentations that we made to the technical committee.

I voiced this at the board meeting. You can read the transcript on Page 10 from the August meeting. We don't see this as addressing the data we presented, and we think it's severely lacking. With that in mind, I'm not presenting anything new. I'm just asking for better dialogue and a better analysis of – you know, they came back to us with their comments, and we think their comments are misguided or they're based on bad assumptions.

CHAIRMAN GIBSON: Thank you for that, but I would repeat that I don't think that you've made responses back to the technical committee. It's not difficult, for example, to discuss this concept of hyperstability in the crustacean fisheries. You have a trawl survey that you haven't spoken about and you have industry catch rates, so you could do the same exercise that Massachusetts has done and I'm not aware that has been done. We've heard your position and let's see what the rest of the board thinks. Pat Augustine.

MR. PATRICK AUGUSTINE: Mr. Chairman, it sounds like the discussion is seesawing back and forth; he said, I said, you said, we said. We obviously don't have the information. I think there are two ways we can do it. We can vote to vote this down or postpone it, which basically makes it a moot point. I guess I'd ask your preference, Mr. Chairman. My druthers would be to – because there is supposedly some information that hasn't transpired back and forth; however, your response is it's not

going to happen in a different format, I would move to postpone this. Roberts' Rules of Order might rule the day on it; I'm not sure; your choice, Mr. Chairman.

CHAIRMAN GIBSON: It's not clear to me what you want to do, postpone this motion?

MR. AUGUSTINE: Yes.

CHAIRMAN GIBSON: Until when?

MR. AUGUSTINE: That's my question, until when? What would we accomplish? I mean, we can ask for more information, we can respond to New Jersey, and at the end of the day be right where we are and have accomplished nothing. How about a ruling then that this might be out of order.

CHAIRMAN GIBSON: I think where I'm coming from on this is there is a prospective opportunity in setting terms of reference and going through the data workshop for all of this information that New Jersey thinks is important to come forward along with any information that anyone else from the technical committees and the boards and industry think is important.

That's the whole purpose of setting terms of reference and doing that solicitation. That's when I think this should happen. I think we already have the scientific foundation albeit uncertain and certainly to some degree controversial, but we have the foundation for the Addendum XVII at this time. Dave Simpson.

MR. DAVID SIMPSON: I think you're right, we have a stock assessment for the Southern New England area, a peer review of that stock assessment, a peer review of the peer review essentially. I think we're pretty comfortable or as comfortable as we ever are in this business of stock status, and I think we know enough about the entire Southern New England Region to consider the initial motion to reduce exploitation by 10 percent. I am opposed to the substitute motion.

CHAIRMAN GIBSON: I guess to answer you, Pat, my preference is to vote this up or down and either go with it or go back to the original motion. Tom.

MR. THOMAS FOTE: I have been sitting pretty quietly here listening to this. To tell me that you have enough information in Southern New England when you basically don't have any information south of New York that basically comes for those

decisions. I mean, we have a different fishery when we basically look at it. It is a different stock down there. We're not an inshore fishery. We're mostly an offshore fishery, and so is Maryland and any of the states south.

Those fisheries have not seen a decline and those fisheries have been actually in great shape or as good a shape for what the harvesters are doing, and that's our concern here and that's the concern Dave Chanda is trying to express here. He has talked extensively to the two commissioners on this – the other two commissioners on this – and also talked to the lobstermen. I mean, to basically lump everybody together when you know it's a different of fishery and a different stock that you're fishing on and saying, well, this is the best data we have and it went to peer review, we have been saying this for three years. This is nothing new to pull out of the region and set up a separate region for the area south of New Jersey – New Jersey south.

This is like ridiculous. We keep going along the same track here and you're saying, well, produce more information, produce more information. We've sent that request in that showed what was being harvested years ago in these areas, how it was different from what you're looking at in Long Island Sound and what you're looking at in Narragansett Bay. It's a whole different fishery and it's basically behaving differently; and when you don't show the disease, we're not having the same effect.

CHAIRMAN GIBSON: The information from New Jersey; New Jersey has a trawl survey that shows the same pattern as it does in Southern New England. It goes to very low levels and you have industry catch rates that are stable. Well, that's exactly what we're seeing in Rhode Island and in Massachusetts in the core area; trawl surveys that go down to very low levels and catch rates that are stable in our sea-sampling program. I note that your letter ignores the trawl survey results that has been fed into the stock assessment process before. I'm struggling to see the evidence that this is really a different area. Are there any other comments from the board? Dan.

MR. McKIERNAN: Yes, I would just like to comment on Tom Fote's comments. In my opinion Massachusetts and Rhode Island are becoming the new New Jersey. These are places with more or less collapsed fisheries, very close to the beach and are increasingly dependent on the federal waters. What they had 20 years ago we have now, and so I just think that this is a long-term trend that is occurring and we're all in the same boat. We can all find

locations far offshore where the larger boats have been able to maintain catch rates, but it's the inshore areas that are falling off.

CHAIRMAN GIBSON: I have, Tom, one more bite of the apple from New Jersey and then we need to move on to other board members or call the question.

MR. FOTE: When you look at the New England Fishery and when you talk about inshore, it's a whole different type of habitat. Let's be honest here; it's different water temperatures. We don't have rocks inshore except in the very northern end of New Jersey. It's a low, sloping beach with 20 feet and 40 feet almost when you go out to the mud hole and areas like that when you get out to a hundred feet, so it's a whole different type of water and habitat structure. That's why our fishery historically has been mostly in the federal waters.

MR. ADLER: Mr. Chairman, I think based on what New Jersey also wants for information, I think maybe Bob or Carl would have to look – mostly Bob Beal, probably – would have to look to see what they would want would be addendum material or amendment material, and that's whole other world here if they try to move on this. I just put that out.

CHAIRMAN GIBSON: Anyone else from the board? Doug Grout.

MR. DOUGLAS GROUT: Mr. Chairman, a little point of order here. If you remember back to our – I was thinking back to our Roberts' Rules of Order training session we had before that when a substitute motion is made, I believe – and I'll go to the staff for confirmation of this – that we're supposed to be also discussing the original motion. If this passes, essentially that substitute motion has stopped the discussion on the original motion. I think we need to at least have a full and complete discussion on the original motion before we take action on this one.

CHAIRMAN GIBSON: I agree and I'm trying to wrap up this discussion here, and I think we're close to doing that. Would you like to resume discussion on the original motion?

MR. GROUT: That's what I think we need to do, and again I'll ask staff to confirm this. I think we need to do that before we take a vote on this.

CHAIRMAN GIBSON: I believe you're correct, so are you prepared to initiate discussion or resume discussion on the original motion? Okay, I believe we should resume discussion on the original motion.

Does anybody want to speak to the original motion?
Pat Augustine.

MR. AUGUSTINE: This is a fun one; I wish we had a parliamentarian and I'm going to try to be it. It seems to me rather than vote on this particular thing with the possible risk of it being approved where we would end debate on the original motion; wouldn't it be easier for you, Mr. Chairman, to find this motion out of order based on the information that has been presented by both the technical committee and Ms. Kerns.

Then we go from there and as Mr. Adler suggested if the state of New Jersey would like to further pursue this issue, before the meeting is adjourned we may want to consider creating another addendum or an amendment to address a change in the LCMTs in the way they're structured. If we want to split out New Jersey as a separate item, then split it out. That's my choice, Mr. Chairman. I would suggest maybe you find this motion out of order and move back to the original.

CHAIRMAN GIBSON: I'm seeing how that would be difficult given the volume of discussion that has already taken place. I guess I'm not as optimistic as some of you that this motion is going to pass. Dave Simpson.

MR. SIMPSON: I call the question. We vote this up or down, the substitute, and go from there, wherever it takes us.

CHAIRMAN GIBSON: I agree; I think that's what I'm going to do. Is there any need to caucus? I'm assuming there is.

(Whereupon, a caucus was held.)

CHAIRMAN GIBSON: Okay, is the board ready to vote? **On the substitute motion, all those in favor please raise your hand, 4 in favor; all opposed same sign, 7. The motion fails so we're back to the original motion.** Ritchie White.

MR. G. RITCHIE WHITE: Mr. Chairman, I strongly oppose the passing of this addendum, and I'll explain my reasoning. Number one, it does not do measurable benefits to the resource as outlined by the technical committee. Number two, at best it gives a short-term benefit to the fishermen. Long term I think it puts them out of business. Number three, I think it does substantial damage to the credibility of this commission to pass a 10 percent reduction to a collapsed stock that we're overfishing, that the

technical committee has recommended a moratorium on.

The eleven years I have been involved with this commission I can't recall another time when we've totally disregarded the recommendation of the technical committee. My intent would be to make a motion if this is not passed to start a new addendum that would more closely reflect the recommendations of the technical committee and also to include the New Jersey issues to try to get that incorporated into that addendum. Thank you.

MR. ROSS: NMFS would also like to mirror the comments Mr. White provided that we also feel that the Southern New England Resource, based on the technical committee's report and follow-up information, does deserve a more aggressive approach to management. We also would oppose this addendum.

MR. ADLER: I'm in favor of this motion. I think that it moves something ahead. There are other things that are coming later on. I did have a question with regard – perhaps to Carl Wilson – with regard to exploitation reduction. How is that measured? This is my first question, if I may. How is that measured?

MR. WILSON: It's essentially changes in the catch over changes in the abundance, and at this point Southern New England is in the favorable position as far as exploitation goes.

MR. ADLER: Because there has been 20 to 25 percent reduction in permits fished, 20 to 25 percent reduction in traps fished, 20 to 25 percent, give or take, in landings in this area. If that is what goes into the pot as to whether you measure an exploitation rate reduction, then it has already happened.

Now, this movement to continue to work is acceptable provided it does not tip over the entire fishery particularly when with or without regulations over the 2006-2010 period, those reductions took place with or without regulations; and if that was basically what you're trying to do with regulations, it's done.

I've heard comments that it takes time for a measure to be seen as having done something. Okay, well, in 2006-2010 those reductions took place and yet here we are slamming it again, and that does not include the 2003/2004 rules that were put in place. I hope they did something but apparently they may not have done anything and I don't know why we put it in. But, anyway, I'll stop the diatribe, but those were my

concerns with regard to exploitation rate reduction and what we've already done, and so this is why I probably can support this particular move, which isn't dramatic, but it does move things slowly along. Thank you.

CHAIRMAN GIBSON: Toni, can you remind us about the currency of the exploitation reduction and the window of time and that sort of thing?

MS. KERNS: The board at their last meeting, when you were all approving this document for public comment, discussed the timeframe in which that exploitation reduction would be based on, and it was based on the average of the harvest from 2007-2009. The board also stated that if there had been any exploitation reduction at this time from that average time series, that that would not count and that we would need everybody – if this option were to pass, everybody would have to reduce their exploitation. Everyone would have to take steps to do so.

MR. SIMPSON: I just remind everyone that this alternative for a 10 percent reduction was meant to begin the process of ratcheting down exploitation. I think everyone has to recall that this will be the first time, if this were to pass, that we've even begun to manage exploitation on lobster, that this has been a minimum size managed fishery, including in the Gulf of Maine, with no other measures.

The 10 percent was intended to get something started sooner rather than later to allow jurisdictions, if you recall my motion, time to prepare their fisheries for more substantive measures in a subsequent addendum, which the intent of my motion was that would start today. I have to ask you, since this is a commission plan where you need the votes around the table to get something done – I don't know how many hearings you have held in the Gulf of Maine on this issue. We have held many. We held three just for this particular measure in our little state.

You can imagine we've all had a fair amount of interaction with the environmental community coming up to this hearing. I've heard nothing from the environmental community on lobster conservation, so I ask you if the industry is saying do nothing and the environmental community is either silent or says don't do something so harsh – and this is the public comment we got in the last year – that you damage this fishery, I'm wondering out loud where you think this will come from.

It's 10 percent now or nothing I think is the decision we have right now. Again, this is a beginning. There

is a full expectation that we need to do more. We need to change state statutes to prepare our fisheries. We need to change licensing, latent effort. The federal government isn't even ready to deal with this yet. I urge you to think about this being a longer game than one play kind of a Hail Mary. This is a longer drive than that. I urge you to pass this as initiating a program of recovery, because I think this is your only choice now. It's this or nothing.

MR. McKIERNAN: I agree with David Simpson. I would suggest that those among us who think that is an inadequate conservation program might want to consider a substitute motion to take the board to that new place to see if that's going to pass. I'm concerned that there are certain parts of the board that don't want to see any conservation and there are obviously parts of the board that want to see far more.

If we leave here with no action at all, I think it will be extremely disappointing and also send a terrible message to the public about the commission's inability to manage Southern New England lobster. Instead of throwing this out and saying it's no good, we want more, maybe there ought to be a substitute motion.

CHAIRMAN GIBSON: I hope that's not that case. Bill McElroy.

MR. McELROY: Mr. Chairman, I'd like to speak in support of this motion. I agree with Ritchie that as a standalone motion it's certainly not sufficient, but we don't see it as a standalone motion. As we said at the last meeting, it's a way to get the train out of the station. Maybe I'm jumping ahead here a little bit, but the people in my area took this very seriously. We think our livelihoods are at stake here and we're desperately trying to find a way to do the right thing.

We're not trying to do anything, but just as Dave Simpson and others have spoken, we have to get started. This is a very good start; and if we get this passed, when we come back after lunch, we're going to begin a discussion on some ideas that we brought to this board before and had passed, which is an effort control and reduction program. We have reworked that and that is going to be talked about later this afternoon, so hopefully that will give you a little assurance that we're not just trying to play a smoke screen here and do nothing. This is our first step and we're ready to start here today with the second step. Thank you.

MR. TERRY STOCKWELL: Mr. Chair, certainly, Maine doesn't have a very big dog in this issue other

than process-wise. A week and a half ago the shrimp section just made a very difficult decision to significantly reduce the shrimp harvest by almost two-thirds from last year's catch. We did that in the name of the resource and the long-term health of the fishery.

I'm reflecting back on our summer meeting when I think I quoted at that point why bother to do anything at all? We're just wasting staff time and the expectations of the industry and the fishery with 10 percent. I guess my question to Carl is going to be where does a 10 percent reduction of exploitation get us? I'm intrigued by the thought of it being coupled to another action, but I don't feel comfortable in supporting the 10 percent without that coupling done up front.

MR. WILSON: I think the technical committee has been pretty consistent in how we have responded to what we would consider relatively modest decreases in exploitation is that it does position the stock to recover and provide a sustainable fishery in the future. I think that's what our goal was with our original moratorium suggestion was the sacrifice now is to hope that there is a fishery in the future. I would say the technical side of things is pretty dismayed. If the process side of the conversation moves things forward that will eventually address exploitation and rebuilding, then maybe it is a positive step, but the initial step is disappointing for the technical committee.

CHAIRMAN GIBSON: Terry, I can't presuppose what the board will do with the next agenda item. All I can assure you is that it is on the agenda, and that Areas 2 and 3 have done a fair amount of work in an effort of consolidation and effort control plan that I think Dan is prepared to speak to, but I can't predict what the whole board's position will be on that. Lance.

DR. LANCE STEWART: It's probably a question to Carl. I fully agree with what Bill Adler has said about the reductions in fishing capacity having already occurred to a point of about 20 percent. I really want to remind the board again that what we have here is not overfishing. It's the mortality reduction and the population size is occurring because of environmental conditions; something we have not addressed.

I brought a video tape that was done by western Long Island's lobstermen that show you the pot hauls. Fifty percent of the lobsters, beautiful pound and a half lobsters are dead when they come up from the

bottom. We have severe environmental bottom quality issues. And if lobsters are dying off, the dominant decapod crustacea in the benthic environment, that means a whole suite of decapod crustacea and everything else is subject to annihilation.

Now, I'm going to try to bring this up to the Habitat Committee, but I think this commission has a dire responsibility to look at the ecology of Long Island Sound, especially when it has been proven that their fecundity, larval contribution into the Southern New England recruitment is tremendous.

Those things all considered, I ask Carl how can the science committee look at that issue and not fully embedded in restraints. We only have 15 percent of the fishermen fishing in these areas reporting. There are monitors. If we had a moratorium or if we reduce them even 10 percent, it's going to eliminate those that have an eye on the issue.

We addressed the legislature in Connecticut a month ago. We're trying to reconvene a bi-state caucus because it's a severe environmental issue. It's worse than it was in '99. In the mid-2000s things were coming back. We had the V-notch Program and it looked good. We're seeing short lobsters.

This last year with Irene, when the turnover occurs, we have 50 percent mortality of good, adult, healthy lobsters. This has to be embedded in more of our management plan. We have to be addressing that mortality as part of the population loss. It's not overfishing in our state waters or New York's waters.

MR. WILSON: Just to respond, two things that I picked out from your conversation. One was the number of traps. Based on the information that's available to us for equivalent landings in the past, there is about twice as many traps in the water today as there were in the past, and so the scale of the fishery is not scaled to the resource, and so that's an area of concern.

As far as the environmental impediments facing the resource, we get it. There was a whole point behind our discussion over a year ago, and I think – if I can just say that there are 5 million pounds, approximately, of survivors that are landed each year, and for us that is the basis of what you can – if there is a chance to rebuild the resource, that's the population that have made it to legal size, they're mature, and that is what you need to build on.

CHAIRMAN GIBSON: I would just add that in my view the management of a weakened resource in the

face of climate change and potentially increased predation and so on ought to be a prime if not the foremost consideration for the next stock assessment in the terms of reference. Peter Himchak.

MR. HIMCHAK: Mr. Chairman, from a New Jersey fisherman's point of view, our big problem with this Draft Addendum XVII from when it started over 18 months ago is that we saw the – it really does point out some very problematic areas in the Southern New England Area and Areas 2 and 6, and we feel like we're being bullied into a one size fits all management regime, which is why we started looking at, well, what can we show in our area that does not point to this.

That's the main reason why we came up with catch-per-unit effort in the fishery itself, the incidents of shell disease, the examination of looking at trawl survey data on a finer scale from the NMFS trawl survey, and I'm sorry but even at 10 percent – we only started talking about area-specific reductions in the last approval of the addendum on – you know, the LCMTs would go and figure out how to do the 10 percent if it's called for. I'm just reiterating that what we're presenting is not anything that was used in the stock assessment. Unfortunately, that ran through 2007 and our review – I mean, we remain staunch and we're not experiencing these environmental conditions that are threatening our fishery.

MR. GROUT: Mr. Chairman, I want to say I appreciate the maker of the motion of this and where the Southern New England states are coming from in putting in something to start here; a 10 percent reduction in exploitation rate. I appreciate that attempt. I look at it given where the recommendations we had from the technical committee of a complete moratorium when we had measures in there for 50 and 75 which were going to have much more of an effect, it clearly doesn't get to that point.

The thing that I have discomfort with this motion – and I know you're talking about another addendum in the future to try and take additional measures to reduce exploitation, but there is nothing in this motion that states that or that provides some guidance of how much exploitation you're looking at.

If there was something in this motion that said we're going to take 10 percent right now with the intent that we will start a new addendum that will reduce exploitation by another X percentage, then I could support this. It's just we've been – this has been a very long process since we got the stock assessment

which said there is big trouble in Southern New England.

We've known there has been big trouble in Southern New England for a very long time. This just says we're going to take 10 percent, boom, that's it. So without some kind of assurance in a motion that says we're going to go take the next step in the very near future with a management action and this is what we're going to be looking at for a percent reduction, I can't support this motion.

CHAIRMAN GIBSON: Thanks, Doug. Well, as I said to Terry – well, first of all, it's not my motion, it's Dan's motion, but all I can say is that there is a clear intent on my part that after lunch under Agenda Item 5 to talk about the next steps. I'm aware that there is a motion to address that, which would consider another action and direction. That's all I can assure you of at this point. Anyone else from the board to address the motion? Yes, Ritchie White.

MR. R. WHITE: **I reluctantly have a substitute motion. Move to approve Addendum XVII to reduce exploitation by 30 percent for the commercial and recreational sectors throughout the Southern New England Stock. Area 4 and 5 would be exempt for a period of one year.** If there is a second, I'll speak to that.

CHAIRMAN GIBSON: Seconded by Terry Stockwell. Would you like to address that?

MR. R. WHITE: Yes. My intent on exempting Area 4 and 5 for one year is to allow them to progress with an addendum and come forward with the information that they need to come forward with to address the issues in Area 4 and 5. If they could not come forward and convince the board, then 30 percent would kick in for Area 4 and 5 as well, but it buys them time to prepare and come before the board to convince us.

MR. McELROY: Mr. Chairman, I'm a little bit confused. I think we went out to public hearing with something different than this motion, and it almost looks to me like it would be out of order to substitute at 30 percent when we went out to public hearing with a 10 percent.

CHAIRMAN GIBSON: Yes, I talked to staff about that, and we have a wide range in the addendum. You'll see other options for a complete moratorium all the way up to status quo and do nothing, so I have been advised that this fits within that overall framework. Bill Adler.

MR. ADLER: That was my point as well, but at the same time the 30 percent – we were talking percentages and it was 10. We had kicked out the 50 and 75. A moratorium is different than a reduction; so if you were talking moratoriums for X number of periods of time, that's one thing. If you're talking reductions in percentages, you only had one thing on the table because you kicked the 50 to 75. Thank you.

REPRESENTATIVE SARAH K. PEAKE: Mr. Chairman, in a similar vein I can respect the ruling of the chair that it's within the scope of what is before us today. However, I would think in the spirit of a public process I would have to join with the comments of my colleague from Massachusetts and the gentleman from Rhode Island.

The addendum spoke to specific percentages. I think we might have received different comments had the percentage been 30 percent and not 10 percent. There is an element of fairness here, and I think it's patently unfair to now at the last minute change the fixed percentage from 10 to 30 percent.

I do have to give my congratulations on the political savvy of the gentleman from New Hampshire in putting in the one-year exemption to try to garner votes, but I would encourage us to defeat this motion, get back to our discussion to the original motion made, and please let's have some respect for the public and all of the hearings that were held in the affected areas.

MR. SIMPSON: Mr. Chairman, I guess I would ask, picking up on the last point by Representative Peake, the maker of the motion to elaborate on what area of the stock assessment, the peer review or the CIE review of the assessment and peer review and the recommendations would justify exempting LMAs 4 and 5?

I also would like some explanation of how that would be consistent with the commission's policy for fairness and equity and for evenly distributing the burden of conservation and the benefits of conservation, so I would like the logic of why you think Area 4 and 5 do not need this conservation for another year. Thank you.

MR. R. WHITE: The motion does not say that there is no need of conservation in that it says that there is a delay and the ability for those areas to come forward with backup for the assertions that they have

now made to this board, so it's giving them an option to more fully flesh out their arguments.

As I stated in my followup to the motion that if they could not prove what they have brought before this board, then the 30 percent does take effect in Area 4 and 5. I also believe that the amount of harvest in 4 and 5 is not a large amount, and therefore does not have a big impact on the overall plan. Now, I could stand to be corrected on that from Carl, but that's my understanding.

MR. AUGUSTINE: Point of information, Mr. Chairman. The explanation addresses the question but the motion doesn't say that. The motion briefly states that we would do a 30 percent and Area 4 and 5 would be exempt for a period of one year. If there were further clarification in that motion that described what Mr. White suggested should be in there, to develop an addendum to split out that area, it would be worth working on.

If not, the way it stands I would almost move to divide the question. As Representative Peake mentioned, the first part of it, the 30 percent has not been vetted by the public nor reviewed by the public, and it is again I think an aberration. When we go to the public and we give them information to make decisions on, here we've gone ahead, because of our discussion and how Carl's presentation unfolded and so on, we're willing to entertain a motion that jumps that percentage from 10 to 30. Mr. Chairman, is it possible that the maker of the motion would include his sentence relative to allowing Area 4 and 5 to develop or recommend an addendum or an amendment to address their concerns as stated earlier?

CHAIRMAN GIBSON: Are you recommending that as a friendly amendment?

MR. AUGUSTINE: Yes.

CHAIRMAN GIBSON: Ritchie White.

MR. R. WHITE: I stated that was the intent so I put it on the record. Clearly, to be exempt for a year means at the end of the year they're not exempt. If they can't convince us or if they can't prepare an addendum, then the 30 percent does hit them within a year so it gives them a year's grace period to try to work this out. If they can't work it out, then the 30 percent is in place.

MR. AUGUSTINE: Well, to that point, Mr. Chairman, what Mr. White just represented was the

fact that with this motion it is assumed that the board members would agree that they will go forward and do it. I might agree with that from our state of New York saying that it sounds like a logical approach, but with the 30 percent in there we would vote against the motion.

Therefore, if you described in that motion what I asked to be put in there about the opportunity to develop an addendum or an amendment, then I would move to divide the question. In the one case as spoken by Representative Peake and others around the table, there was concern about the 30 percent. That part of the motion may very well not pass.

On the other hand, others around the table have discussed the possible opportunity of creating an addendum or an amendment for later review by not only the technical committee but other states involved. It would at least give us an opportunity to address each part separately as opposed to just rejecting the whole idea in total. Thank you, Mr. Chairman.

MR. SIMPSON: I guess in addition to observing that the maker of the motion didn't respond to either one of my questions, I'll remind the board that this addendum doesn't go in until January or 2013. It's November of 2011, and what the maker of the motion is suggesting is that New Jersey needs until 2014 to explain why it doesn't need to do anything in the face of the most rigorously reviewed stock assessment in recent memory. I'm still left with the view that Representative Peake expressed that this is an attempt to buy votes to do something more, and it's rather shameful.

CHAIRMAN GIBSON: Toni, do you want to make a point?

MS. KERNS: I just wanted to point out what individual states' harvest are. I do not have from New Jersey specifically which area their harvest comes from, but in 2010 for Southern New England, New Jersey was the second largest harvester of all of the Southern New England states. New Jersey, Massachusetts and New York have harvests that are all between 800 and 700,000 pounds. New York is just under 700, but approximately that. I just don't know if their harvest comes from Area 3, 4 or 5, which area it comes from. I can tell you the states south of New Jersey have very insignificant harvest from Delaware and Maryland, less than 40,000 pounds, and Virginia is less than 40,000 pounds.

MR. JOHN CLARK: I was just going to comment that given the reception that the arguments from New

Jersey have received already and Delaware being in Area 5 there also, it would seem to me there is not much chance that there are any new data that could come up in a year, so this would end up being a 30 percent reduction for Areas 4 and 5 also.

MR. STOCKWELL: Mr. Chair, I seconded this motion to have this exact conversation that underscores our need to follow the science. I'm very sensitive to a number of comments that have been made about public process and perception, but I do note in looking through all the public comments that they were unanimous in support of status quo or 10 percent. However this motion falls, I'm supportive of the science and hope that this afternoon we can come forward with a plan that really addresses the needs.

MR. ROY MILLER: Mr. Chairman, I apologize, first of all, for not being familiar with the de minimis definitions that apply to this particular plan, but I'm wondering would measures such as this – if a 30 percent or a 10 percent reduction were to pass; would de minimis states be required to implement those measures in your recollection of the details, Mr. Chairman? Thank you.

MS. KERNS: For the de minimis status in lobster, states have to harvest less than 40,000 pounds in the average of the previous two years. Under de minimis those states are required to put in place the coast-wide regulations. Coast-wide regulations are things such as trap configuration, not being able to possess parts, those types of measures.

For the biological measures that are in place for each area, it's up to the board to decide whether or not those states have to implement those measures. Up until this point the board has continued to say that those states need to implement those biological measures. If the board changes their mind and says those states do not have to implement the biological measures, the problem that the board will face and those states will face is that your fishery is mostly promulgated in federal waters, to my understanding, in Virginia, Maryland and Delaware.

The National Marine Fisheries Service needs to treat all of their fishermen the same within federal waters, so they need to treat all their Area 4, 3 and 5 fishermen with the same regulations, and so they don't really recognize de minimis status in federal waters. If this board approves de minimis without those biological measures and your fishermen are stopped in federal waters by law enforcement, they are obligated to be following those federal rules. If

they're not following them, they would be subject to the fines that are in place. You're sort of stuck between a rock and a hard place on that one.

MR. ROSS: Thank you, Toni, for that input. On the flip side of that to clarify, the southern states under de minimis would not have to implement the measures unless specified by the board. The same holds true with NMFS in that until we're able to implement these measures, whatever they may be, at the federal level, the federal government would in effect not have these measures in place and would be relying on the states via the board mandate to enforce these measures until such time as NMFS can develop complementary measures. I guess what I'm saying is that if de minimis states are waived from these requirements and the federal government has not yet implemented these requirements themselves, then in effect these states would not be falling under any of the management measures.

MR. HIMCHAK: Well, that's interesting because our fishery is all out in federal waters as well as all these other states. I'll take my last crack at this, but the issue of what is going on in the Southern New England stock, yes, we are number two in the landings over the last – we've evolved to the number two. We didn't increase any landings.

We've just kept along at our current pace and everybody else has had these precipitous declines because of environmental conditions, die-offs, temperature changes, and we've had a stable fishery. This was the whole basis of our vision document that we submitted in November 2010 and nobody paid any attention to it. I presented it at the board meeting in March of 2011.

I says, well, the technical committee will look at it, and then it's like they looked at it and they made all kinds of inappropriate assumptions on what we're trying to explain. This is new data. It's a new way of looking at it, and this highly critiqued stock assessment contains none of this. This is common sense to me. We don't have environmental problems.

Our fishery is continuing along and we have no incidents of shell disease. I mean, I'm totally frustrated in trying to get across the message that all areas of the Southern New England Stock are not created equal, and there is a big swath below Long Island Sound all the way to Cape Hatteras that really is nothing like what you see there as 2 and 6. That's my last comment.

CHAIRMAN GIBSON: Thank you, Peter, we've heard that comment several times. Anybody else from the board? Bill McElroy.

MR. McELROY: Mr. Chairman, I'd just like to point out that in the Massachusetts, Connecticut and Rhode Island Region we've looked at the chart that Toni produced in terms of percentages per month. The 10 percent reduction that is being talked about here as if it's an insignificant action that doesn't anything, for our area to come up with that 10 percent we'd have a four-month closure, January, February, March and April.

As the technical committee has noted, there is a regime shift going on and that 10 percent that is represented by those four months, if we chose that would actually be more significant because – and in the field what is happening is that lobsters are molting earlier because of changes in the water temperatures and what have you – a higher percentage of our catch is showing up in those four months than is given credit for in that. I just want to reiterate again that a four-month closure of the season is a pretty significant action, particularly when that's only going to be the first step. Thank you very much.

CHAIRMAN GIBSON: Just so the audience knows, I'm not going to take comments on the substitute. If this becomes the main motion or if it fails and we go back to the other motion, I may take some limited comments from the audience at that time. This issue has been to many public hearings up and down the coast, so we're not going to have a lot of audience comments. I need to dispense with this substitute motion at this point, so I'm going to take time to caucus and then we'll deal with this motion.

(Whereupon, a caucus was held.)

CHAIRMAN GIBSON: Okay, can I have your attention, please. I have a request for a roll call vote on this one, so Toni is going to call the roll.

MS. KERNS: Maine.

MAINE: Yes.

MS. KERNS: New Hampshire.

NEW HAMPSHIRE: Yes.

MS. KERNS: Massachusetts.

MASSACHUSETTS: No.

MS. KERNS: Rhode Island.

RHODE ISLAND: No.

MS. KERNS: Connecticut.

CONNECTICUT: No.

MS. KERNS: New York.

NEW YORK: No.

MS. KERNS: New Jersey.

NEW JERSEY: No.

MS. KERNS: Delaware.

DELAWARE: No.

MS. KERNS: Maryland.

MARYLAND: No.

MS. KERNS: Virginia.

VIRGINIA: No response.

MS. KERNS: North Carolina.

NORTH CAROLINA: No.

MS. KERNS: National Marine Fisheries Service.

NATIONAL MARINE FISHERIES SERVICE: Yes.

CHAIRMAN GIBSON: **The motion fails and it's three in favor, eight against, and Virginia is absent.** Okay, we're back to the original motion. Is there any need for the board to discuss this further? Given that there were a couple of hands and we're back to the main motion, I'm going to let the audience speak. Arnold, do you want to speak to this motion?

MR. ARNOLD LEO: Arnold Leo speaking for the East Hampton Baymen's Association. I just want to say that we certainly support this motion before the board. It's utterly unrealistic fishery management with one blow to destroy a complete fishery so that the gear and the fishermen become useless and out of work. We certainly support this motion.

We understand that there are problems. However, as Pete Himchak has been saying, in the Southern New England area the problems are not all the same everywhere. For example, around Long Island,

Western Long Island Sound is depleted of lobsters whereas the east end of Long Island is still sustaining a lobster fishery. It's not a blanket wipeout of the stock throughout the Southern New England area. Thank you.

CHAIRMAN GIBSON: Does anybody want to express – I took that as support – anybody in the audience who wants to express opposition to this motion? Seeing none, I'm going to go back to the board. Any final comments from the board? Doug Grout.

MR. GROUT: Just a final comment, but as I pointed out I really appreciate the attempt by the Southern New England states to start something here. I fully support this with the exception that in the original addendum that we had and the executive summary it says that this is clearly going to be a two-phased approach, but there is nothing in that motion that says this is going to be a two-phased approach.

If we had something in there – and I don't know if you're willing to do this and maybe this is totally intentional – that we said we're going to take an immediate 10 percent, as you have up there, and we're going to start Phase 2 at X point in time, maybe even this afternoon, that is going to look at an additional 25 percent or whatever percentage so that at a minimum – you know, even have some kind of a minimum reduction in exploitation for the next phase.

Originally this addendum was a two-phased approach and right now this addendum is a one-phased approach. I'm looking to see if there be some friendly amendment that the maker of the motion might be willing to put in there that would say we're committing to this second phase of the approach and put some kind of a benchmark at least as minimum that we'd looking for further exploitation rate reductions.

CHAIRMAN GIBSON: Thanks, Doug. Again, we're fully aware that we're prepared to deal with that issue in the agenda item, and I'm aware that there is a motion to do just that. It would seem to me that is the time to debate that motion and any elements or additions or modifications that need to be made, but I'm reluctant to try to link motions now when the board doesn't even know what the second one is. Dan, do you want to speak to that a little more?

MR. McKIERNAN: Yes, thank you, Mark. It was my intent this afternoon to introduce a second motion

which is the product of some LCMT and industry initiatives to further reduce trap allocations over the next few years. Area 3 has already come forward with this. This was already voted on by the board regarding Area 2 as well.

We will be presenting some very rigorous reductions for a new addendum between 25 and 50 percent in Area 2 and 25 percent in Area 3. But let me be clear, those are reductions in traps allocations, and it's easier said than done to come up with a motion that talks about reducing exploitation, but as Carl said we don't know the stock size of Southern New England, and we're not going to have a finger on the pulse every year of the available biomass to have a precise exploitation reduction program on an annual basis.

The currency of lobster management is traps. It's trap allocation, it's licenses, and we can't manage this fishery by quota. The reason this addendum was so convoluted is because when the PDT got together we understood the magnitude of the Gulf of Maine Fishery producing so many lobsters.

The notion that we would try to manage Southern New England, which is a fraction of what is landed in the country, by quotas would be an enforcement nightmare. We planned and we will go down the road of these traditional management tools, but I can assure you that the industry is prepared to take those kinds of cuts, and I'm confident they will.

I didn't think I had to make these two at the same time, but the next motion is going to ask for the PDT to work with the states and the LCMTs, especially in Areas 2 and 3, to reduce trap allocation substantially over some time period. That's what is going to be queued up next, so I would urge you to go with this first 10 percent cut because it is meaningful, and it's also going to help us in the future manage for that second phase of reductions.

CHAIRMAN GIBSON: Thanks, Dan. I'm running up against our lunch cut and it's my hope that we can dispense with this motion. Should it pass, we need to then talk about tasking the plan development team's timeline for submission of their recommendations and potential evaluation of the technical committee. If it fails, then I'm going to break for lunch and we'll figure out where we go from there during the lunch break. We need to wrap our discussion. Bill McElroy.

MR. McELROY: Mr. Chairman, I'd just like to make one last point that in reference to Doug wanting to link this second addendum that we're talking about

to the first one, it's my recollection that this board approved the effort control plan that we came forward with out of Area 2 and Area 3 two board meetings ago.

When the plan development team looked at that and tried to figure out how to put that into an addendum that was an exploitation reduction addendum, they decided that it was not proper to link those two in the same addendum, and the recommendation that came back from the plan development team was that we have Addendum XVII, which would be this reduction proposal that we're talking about and exploitation and then followed along very closely by Addendum XVIII which would be the vehicle by which our effort control program would be brought forward.

That's exactly what we've done. We've taken the advice of the plan development team and Ritchie White and yourself in trying to come up with a comprehensive program, but the experts have indicated to us that it's more proper to have it as two separate motions. Thank you very much.

CHAIRMAN GIBSON: Peter, I'll go to you for the last word.

MR. HIMCHAK: I'm sorry, Mr. Chairman, at the risk of being ruled out of order, I will make one last attempt to move to amend for status quo for LCMAs 4 and 5. This is no delay, no further analysis of data. This is just a motion for status quo for those two areas.

CHAIRMAN GIBSON: I'm going to rule that one out of order. I think we've had enough discussion about removing areas from the process, postponing and so on, and I think that just clouds the issue further at this point. Was there a request for a roll call on this one? Caucus on this motion and then we'll do a roll call.

(Whereupon, a caucus was held.)

CHAIRMAN GIBSON: I'll call the board back to order, please. I'm going to dispense with this motion. I'm going to call the question on this. We have a request for a roll call vote, so I'll go to Toni again.

MS. KERNS: Maine.

MAINE: No.

MS. KERNS: New Hampshire.

NEW HAMPSHIRE: No.
MS. KERNS: Massachusetts.
MASSACHUSETTS: Yes.
MS. KERNS: Rhode Island.
RHODE ISLAND: Yes.
MS. KERNS: Connecticut.
CONNECTICUT: Yes.
MS. KERNS: New York.
NEW YORK: Yes.
MS. KERNS: New Jersey.
NEW JERSEY: No.
MS. KERNS: Delaware.
DELAWARE: No.
MS. KERNS: Maryland.
MARYLAND: No.
MS. KERNS: Virginia is absent. North Carolina.
NORTH CAROLINA: No.
MS. KERNS: National Marine Fisheries Service.
NATIONAL MARINE FISHERIES SERVICE: Yes.

CHAIRMAN GIBSON: **The motion fails.** I have six opposed, five yes. We do not have a motion for Addendum XVII. It's 12:30; I'm going to suggest we break for lunch and we figure out what to do from there. We still have an Addendum XVII question to deal with.

(Whereupon, the meeting was recessed at 12:30 o'clock p.m., November 7, 2011.)

MONDAY AFTERNOON SESSION

The American Lobster Management Board of the Atlantic States Marine Fisheries Commission

reconvened in the Wilson Ballroom of the Langham Hotel, Boston, Massachusetts, Monday afternoon, November 7, 2011, and was called to order at 1:55 o'clock p.m. by Chairman Mark Gibson.

CHAIRMAN GIBSON: I'm going to call the Lobster Board back into session. You will recall before lunch the motion for 30 percent was defeated. The 10 percent was also defeated, so we have to start over relative to Addendum XVII. I'm going to recognize Representative David Watters to get us started.

REPRESENTATIVE DAVID H. WATTERS: **Mr. Chairman, having voted on the prevailing side, New Hampshire moves to reconsider.**

CHAIRMAN GIBSON: Is there a second for that motion? Seconded by Bill McElroy. The motion is not debatable. Do we need time to caucus on that; I don't think so. I'll call the question for the motion to reconsider the last motion. All in favor; all opposed; abstentions; null votes. The motion carries. The motion is back on the table and I'll look to Terry to perhaps make it a – do you have a point of order, Roy?

MR. MILLER: Mr. Chairman, does that require a two-thirds vote?

CHAIRMAN GIBSON: It was my understanding, no, that it was a simple majority vote. It's a simple majority so that's my position. The motion carried and we're back in session on that motion. Terry Stockwell.

MR. STOCKWELL: Mr. Chair, upon reflection at lunch and after a result of a conversation with other commissioners, I have either a friendly or I will make a motion to amend. I want to read the language to the board so see whether Dan and Bill can be supportive of a friendly. **This is going to be move to approve Draft Addendum XVII with a 10 percent reduction in exploitation as the first phase. States will submit plans by December 24, 2011, for technical committee review and board approval at the February meeting. Plans will be implemented no later than July 1, 2013. As a second phase initiate Draft Addendum XVIII to scale the Southern New England Fishery to the size of the Southern New England resource. Options in the document will include recommendations from the LCMTs, TC and PDT. These options would include but are not limited to a minimum reduction in traps fished by 25 percent.**

CHAIRMAN GIBSON: Thank you, Terry. Are you seconding?

MR. AUGUSTINE: Yes, Mr. Chairman, I'll second that for debate purposes or whatever purpose to talk about it.

MR. STOCKWELL: Mr. Chair, to the credit of the Southern New England states for knocking their heads together, this does move something forward. The industry has put time into it, the states have put time into it, a number of us have put time into it, but importantly to those of us who voted in opposition to the initial addendum, it's as a first phase. A second phase will be a definitive effort to scale the fishery to the resource, which from my perspective clearly the 10 percent reduction in exploitation does not.

MR. R. WHITE: Describe to me a little more by what you mean by scaling the size of the fishery. Does that mean that has any effect on mortality rates?

MR. STOCKWELL: Yes, absolutely. We're looking at a resource that is apparently crashing. We're looking at an industry that is hanging on by their fingernails. Listening to the input from the industry and the Southern New England states, they're making great efforts to reduce effort, reduce traps fished, and keep their fishing communities intact. This would allow fishing at a reduced level that would be applicable to the overall condition of the stock.

MR. R. WHITE: Mr. Chair, I guess I'd have a question for the technical committee chair then to see how the relationship between cutting number of traps corresponds with a reduction in mortality?

MR. WILSON: Well, Toni has reminded me that the options aren't just limited to traps; but as to your question about a 25 percent reduction in traps, I would not interpret that as a linear relationship and a reduction in exploitation as well. There might be some reduction in exploitation, but we certainly wouldn't be able to assign that 25 percent.

MR. MILLER: Mr. Chairman, as I read the motion I still don't see anything in the motion that directly targets the issue that we debated at length this morning; namely, the issues raised relative to New Jersey and states to the south of New Jersey with regard to the required exploitation. If I may first, Mr. Chairman, I'd like to ask a question of the technical committee chair.

Has the technical committee considered the concerns of the states from New Jersey southward, and has the technical committee determined whether any exploitation reduction is necessary for those areas? And if the answer is no, Mr. Chairman, then I'd like us to consider a charge perhaps to the technical committee to give me more comfort with any particular motion that may be passed today. Thank you.

MR. WILSON: Well, we've certainly considered any information that has been brought forward to the technical committee. Specifically New Jersey had a document that we reviewed. We had additional questions that we haven't had any further information to follow up that initial proposal. I would say that if information is available, we certainly would consider it and we've considered any information that we've had available to the state. As far as exploitation recommendations for that specific area, through the assessment process we for better or for worse consider the stock as a whole for Southern New England, and so the exploitation recommendation is a stock-wide recommendation and not area specific.

CHAIRMAN GIBSON: I'll reiterate what I said earlier that there really is no foundation in the stock assessment or in the peer-reviewed information for differential treatment within this large Southern New England Stock Area. That may very well be a term of reference, a reaffirmation or a change in those stock areas the next time through the stock assessment. We really have no foundation for that at this time. Anybody else on the motion? Bill Adler.

MR. ADLER: Mr. Chairman, just a process here. Presuming that this passes – and I'm in favor of it – we're approving Addendum XVII and yet in February we don't know what is going to be submitted by December 24th, but it then goes to the technical committee review and then it goes to the board approval at the February meeting. Okay, so are we approving Addendum XVII and then what they're going to do comes in, that's not in the addendum because we've approved it or are we leaving it open or do we just add it to an approved addendum. I just more or less process how that works?

CHAIRMAN GIBSON: Yes, I've been talking about that with Toni, and she is going to address that.

MS. KERNS: Yes, Bill, the addendum is very specific about the options that you can use – that each of the LCMAs can use to reduce their exploitation by 10 percent. It says either change minimum or maximum size; season; or a combination of both.

When you use a combination of both, then it needs to be approved by the technical committee. That is what we're expecting to come forward to be submitted to the technical committee just to make sure everybody's options are in there.

There are tables within the addendum and the technical committee has also supplied LCMA's with other size limit tables at the request of each of the LCMA's. If the LCMA's ask for additional size limit tables, we will be happy to provide those to them for their use. But those proposals will come from what is allowed within the addendum.

MR. ADLER: If I may, Mr. Chairman, it's just a matter that usually when we approve an addendum on something, it's sort of like a done deal. We know what it is, we know this, it's approved, we go for the implementation time, et cetera. This one is sort of a little bit open because we don't know what they're going to come back with in any of those things that are in the document. We don't know what the answer is yet. That's okay; I just didn't know because usually it's all a done deal when it's a done deal. We know exactly what they're going to do usually.

MS. KERNS: There are times when we do – you know, just like in river herring where we said if you wanted to prove you could have a sustainable fishery, you brought that plan forward to the technical committee and for the board to see later on, so it's not the first time we've used this process for addendums.

CHAIRMAN GIBSON: Bob, do you want to speak to that?

MR. BEAL: Well, just kind of while we're talking process, when Terry made the motion he mentioned I think either a substitute or a friendly amendment and there is a maker and a seconder, so I assume it is a substitute motion. In the main motion that this would potentially substitute, there are a number of provisions such as this would equally apply to recreational and commercial fisheries.

I think the original motion contemplated actually not having final approval of the addendum today, but the final approval of the addendum would take place in February once all the proposals have been submitted and reviewed and approved by the board. There are some pieces that are not included in this motion that were in the original one, so I don't know if the intent is to carry over those provisions as well or do we really just want to amend the original to include some

of this new language or is this really wholly replacing it?

CHAIRMAN GIBSON: Yes, I think we were trying to amend the original motion that we brought back to the table and not substitute entirely.

MR. STOCKWELL: Correct.

MR. BEAL: I guess, Mark, to follow up, if this does pass we may need a couple of minutes to wordsmith the final motion.

CHAIRMAN GIBSON: Pete Himchak, you wanted to speak to this while they –

MR. HIMCHAK: I wanted to follow up on Roy's comment about additional analysis, and again I revert back to the director's letter. I really am beginning to resent the fact that New Jersey never followed up with any additional analysis. The letter clearly points to deficiencies in the report that was presented to us on our first proposal and our data presentation. We do request the board charge the PDT and the technical committee provide better convincing analysis on the three issues in the letter.

This goes to the very heart of what Roy is saying. I think if we get into a better dialogue with the technical committee on this, I think it would be more convincing to them of what our position is. Their comments on our CPUE analysis are way off base. I intend to pursue this charge and this dialogue with the technical committee.

I don't know who submitted the first report, but to me it's utterly embarrassing. I mean, the second to the last sentence in the first paragraph ends in mid-sentence. Who reviewed it? It just ends as "is", so that's what really infuriates us, and we need to have better dialogue following this meeting. Regardless of what motion passes, we will work with the technical committee on this.

MR. STOCKWELL: To your point, Pete, scaling the fishery to the resource to me implies that. You're working with data and you're working with the technical committee, it's the next step in the next phase.

MR. THOMAS O'CONNELL: I was just kind of curious what is the reason for the year and four or five month delay from when the plans are approved in February 2012 and when they're implemented in July 2013. One of my concerns with opposing some of these motions today is it would be 3-1/2 years

since we got the recommendation to implement some pretty significant harvest reductions. In 3-1/2 years we will have achieved a 10 percent reduction. I'm just curious is it because of state implementation requirements why that is such a delay.

MS. KERNS: The rationale behind the delay in measures was for us to wait until the National Marine Fisheries Service had come in line with all the measures that had been implemented by this board prior to the initiation of this draft document. I don't know if there was any other rationale that Dave had provided during his initiation of the document, but that was one of the rationales is that we wanted to have all of those state and federal fishermen to have the same rules from the initial movement forward of these documents.

CHAIRMAN GIBSON: The other point I would say is that since a number of the alternatives to meet the exploitation reduction could center around winter closures. It would be very difficult to approve them in February of 2012 and have them take effect during the period in question. That's my other addition to that. Do you want to follow up on that, Tom?

MR. O'CONNELL: Yes. I just sit here and really wonder is it really worth the amount of effort that we've already taken and the amount of effort we're going to take to achieve a 10 percent reduction rather than really looking at this with a fresh start and trying to achieve a higher level of reduction and trying to address the issues of the New Jersey states and the south and really trying to put forth a more comprehensive plan that achieves a greater level of reduction and takes these other issues into consideration pretty much under the same timeframe. I looking to probably oppose this motion.

CHAIRMAN GIBSON: I understand the issue of the Southern New England Stock Area is controversial, but realignment of stock areas requires a substantive amount of analysis and information to flow from the interested states to the technical committee that has to be embodied in the terms of reference. We have to get peer review advice on adjusting stock areas and carving out smaller districts, if you will, than we have now.

I just don't think we have any foundation to do that. It certainly is game for the next terms of reference and submission of all the information that is available to support that. I'm just not seeing the basis to proceed in an ad hoc manner with that now regardless of how passionate the areas are on that. Anything else on the motion? Bill McElroy.

MR. McELROY: Mr. Chairman, I'd like to speak in favor of the motion. First of all, I'd like to thank the northern state delegations after the reconsideration, and I'd like to give Ritchie a little bit of an apology. I think I was a little bit harsh with him there as we began the break, and I'm gratified to hear that you folks have listened and shown a little bit of compassion to us poor starving southern New Englanders. Thank you.

CHAIRMAN GIBSON: Thank you, Bill. Anything else? Dave Simpson.

MR. SIMPSON: I know the delay until July of 2013 troubles me, too. It was frankly an oversight when we went from a discussion of 50 to 75 percent reduction down to 10 percent. I was cognizant of it at the time, but you risk losing the group if you make a motion too complicated and have too many moving parts, and so I let it be.

I talked to Toni in the interim about is there any way we could move up the timing of implementation of this, and really we didn't take anything out to public comment that set a range a implementation dates so we're kind of stuck here, but I do think that we need to think about moving this up at least to January 1 of 2013 somehow in this process in the next year.

I don't know how to do that, but Mark's point is right on, it does seem like there is that January to April timeframe to have a fishery closure then, and I think there is a certain amount of gravitation to that. For one thing all jurisdictions could close January through April and it would have a very similar on each jurisdiction. It's in the range of 7 to 12 percent; and I think if the weighted average came out 10, we'd have a winner.

But if it weren't implemented until 2013, that means we wouldn't do anything until 2014, so I think we need to think about that part. The other part is I don't know – Bob brought this up – how much of the past motion lives on in this one.

I don't see it here, but I would hope the jurisdictions would have the latitude to implement, for example, a closed season that will achieve an overall 10 percent reduction in their exploitation rate, recreational and commercial combined, and that we don't have to go through some painful process of figuring out how to get 10 percent out of the 2 percent that represents the recreational fishery.

You know, January through April is probably not when recreational fishermen fish. You're talking

about 500 to a couple thousand people who land a couple of thousand lobsters and proceed 50 or \$100,000 in revenue to the state to pay for the research that's done primarily on commercial fisheries. So, those couple of thoughts. Hopefully, we can move this up to be January 1 of 2013 at the latest and, second, let's have a little latitude to achieve the overall conservation objective.

MR. McKIERNAN: I agree with everything David said and also Bob's comments earlier about restoring some of the components of my original motion. Is there any opportunity to do that?

CHAIRMAN GIBSON: If Mr. Stockwell and Mr. Augustine agree, I think you can add information to this amendment.

MR. AUGUSTINE: I don't have a problem with it, Mr. Chairman. I was going to ask how difficult would it be for the technical committee or PDT, as the case may be, to move that date to a guaranteed January 1st of 2013 as opposed to July? Remember, I had seconded it for discussion purposes and we are discussing it, and I'm not sure the maker of the motion or the technical committee could respond to that. Would it be difficult, would it be possible, would it be reasonable to go from July to January of 2013?

MR. STOCKWELL: Yes, Pat, I'm not married to the date of July 1st other than a recommendation from staff that was the appropriate date to select because of the needs of the different states and jurisdictions, so, hence, the language was no later than July 1st. To Dave Simpson's point, if we can move this ahead by the 1st of January of that year, that would be the preferred alternative.

MR. AUGUSTINE: I understand what we agreed to, Terry. My concern was based on the comments that were made around the table we are looking at another window of six months, which perception purposes and reality it's part of a fishing season. I know we said "no later than". I would be almost inclined to say "no later than January 1st" if it's doable and reasonable that allows the states to put their legislative process in place to change rules and regulations. If we can get clarity on that, then we'll discuss whether we want to change the date.

CHAIRMAN GIBSON: I think there is a clear intent being signaled around the board to advance this, so the question is are there any jurisdictions that would have difficulty with that January 1st date? I don't see

anybody telling me that. New York has a problem. Jim.

MR. JAMES GILMORE: Mr. Chairman, we unfortunately have to do this legislatively. We don't have regulatory authority. We might be able to do it, but it's a timing issue as to when our legislative process goes through so we may miss it because of that.

CHAIRMAN GIBSON: So we have one state that might have a problem. I had Adam next.

MR. ADAM NOWALSKY: Mr. Chairman, question for the maker of the motion. With regard to the statement here to scale the Southern New England Fishery to the size of the Southern New England Resource, when I look at the landings data since 2002 where you've got Connecticut, Massachusetts, New York, Rhode Island clearly showing a state of decline with the landings and the rest of the Southern New England Region showing an increasing trend in landings without any distinction between those areas from New Jersey south that has been debated ad nauseum here today, how do we reflect this state of the fishery?

There is a statement here that says "scale the fishery to the resource" when the landings data and presence of shell disease clearly indicate that there is a need for some type of management by area here, so I'd like to hear the maker of the motion's comments on how we achieve scaling the fishery to the resource when we've basically shot down every attempt to go ahead and identify the fact that actually is what is taking place in the fishery?

MR. STOCKWELL: Thanks for the question. I don't see a direct linkage between the landings and the scale of the fishery. There is an awful lot of assessment work that goes into the entire process. I feel comfortable deferring to the LCMTs and the technical committee to come up with the appropriate measures. We're on the other side of the Cape and I can't speak to the exact nature of the fishery in front of New Jersey, but this particular approach seemed applicable to allow for the appropriate measures in the appropriate places.

MR. NOWALSKY: I know that recently with some other species we've gone to a more regional approach. Would there be the opportunity to initiate that within Addendum XVIII with what you've put here to allow for more diverse management by LCMA to accommodate this reduction throughout the

Southern New England Region but with differential measures by LCMA?

MR. STOCKWELL: I haven't gone that far in detail. We're looking at a two-phased approach. The 10 percent is hopefully to leave this room with today and a different addendum with different measures and different approaches for the industry and the resource. I don't have the answer. I was just trying to come up with a compromise that would address the needs that we raised before the break and those of the impacted states.

MR. NOWALSKY: When we discussed the reconciliation that potentially has been discussed between this motion and the original motion that we're moving to substitute or amend, I would just offer that this motion as it's written does not specifically state that the reduction should be taken from all LCMAs.

As I read this as it's up here on the board, it would refer to the entire Southern New England Stock. The original motion, if I recollect what it looks like, specifically said the reduction should come from each LCMA. I may be wrong on that since it's not up here on the board, but I may offer that as a point of conversation as we move forward the rest of the afternoon, taking that into consideration in our deliberations.

CHAIRMAN GIBSON: It's my understanding that all LCMAs have to come forward with plans to meet this 10 percent reduction in the first phase, and the elements of as yet unmoved Addendum XVIII remain to be fleshed out. Mr. Watters.

REPRESENTATIVE WATTERS: Mr. Chairman, to that point, since this is an amendment, if we pass this, we go back to the original motion and that language gets reconciled, so at that moment people will be able to see the new language up there and see which parts of the first one are still in there and so on. I think that's the moment at which the questions are being asked about those features of it get asked. It's not a substitute motion; it just amends so that the language will then be brought into what was originally there.

MR. MILLER: Mr. Chairman, I'd request a clarification of the makers of the motion. With regard to the proposed minimum reduction in traps, I need a further definition of what is meant by traps. The reason I ask that is that from Delaware southward I believe most of the lobster landings actually come from sea bass pots. Now, are you similarly – if you're including sea bass pots in this 25

percent that means the sea bass fishery is going to be cut back 25 percent in terms of effort as well. That's why I'm requesting some clarification of the definition you've used.

CHAIRMAN GIBSON: I think you're way ahead of us. We haven't even authorized development of Addendum XVIII yet and that would have to go through – first be taken up in another motion and public information documents. Well, we're initiating it but we have a lot of work to be done on that in terms of the language and come back from the plan development team. There is ample opportunity to clarify what we need to in that one, but the maker of the motion can speak to this if you want to.

MR. STOCKWELL: No, you just made my point, Mr. Chairman. The one additional thought I would add or pass on to Roy is that we're looking at the traps fished versus tags sold to address the latent effort issues in the lobster trap fishery. I know nothing about the sea bass fishery.

MR. SIMPSON: I guess I'll just say that's just an option that has to be included in the addenda but it doesn't have to be implemented. This is all why I get real uncomfortable when the commission tries to manage things in federal waters.

CHAIRMAN GIBSON: Okay, I think we've beat this one up pretty good. This is a motion to amend. I'm going to call for some time to caucus and see where we end up.

(Whereupon, a caucus was held.)

CHAIRMAN GIBSON: Okay, is the board ready to vote? I'm going to call the question on this amendment. All those in favor please raise your hand; all those opposed; any abstentions; null votes. **The motion carries seven to four.** Okay, that becomes the main motion. Bob.

MR. BEAL: Mark, I think we're at the point where I said we might need a couple minutes to merge these two together.

CHAIRMAN GIBSON: Yes, do you need a break to do some wordsmithing? Okay, we'll take a five-minute break while they do some wordsmithing based on what they heard.

(Whereupon, a recess was taken.)

CHAIRMAN GIBSON: I'm going to call the Lobster Board back into session, please, and

hopefully we'll get the improved motion up on the board. Okay, we have an improved motion for your consideration. Okay, you recall we voted the amended motion to become the main motion, and this is the refined version of that. Does the maker want to speak to it or anyone from the board want to speak to it? The highlighted information is what has been improved upon during the break. Will you read that for me?

MS. KERNS: Move to approve Option 3 of Addendum XVII to reduce exploitation by 10 percent for the commercial and recreational sectors throughout the Southern New England Stock Area with the reduction in exploitation applying to all gear types as the first phase. The state agencies will be asked to convene meetings of LCMTs in Areas 2 through 6 and other interested parties for purposes of recommending methods of exploitation reduction consistent with the options in Draft Addendum XVII. State will submit plans by December 24, 2011, for technical committee review and board approval at the February 2012 ASMFC Meeting. Plans will be implemented no later than January 1, 2013, with a possible extension for legislative processes. As a second phase initiate Draft Addendum XVIII to scale the Southern New England Fishery to the size of the Southern New England Resource. Options in the document will include recommendations from the LCMTs, technical committee and PDT. These options would include but are not limited to a minimum reduction in traps fished by 25 percent. Motion as amended.

CHAIRMAN GIBSON: Thank you, Toni. Okay, does everybody understand where we are? Any further board comments? Those improvements seem to reflect the discussion of the board prior to our break. Are we ready to caucus on that motion? Okay, lets' do that.

(Whereupon, a caucus was held.)

CHAIRMAN GIBSON: Okay, I'm going to call the question on that one. All those in favor please raise your hand; opposed; any abstentions; null votes. **The motion carries seven to four.** Toni has made me aware that there are a couple of housekeeping details or board questions relative to Addendum XVII that we still need to address.

MS. KERNS: Within Option 3, which is what the board just approved for a closed season option, the board had the option of either having the traps removed from the water during the closed season to

prevent traps from continuing to fish or an option to allow the traps to stay in the water during the closed season. The board needs to give direction to the LCMTs, as they are considering how they're going to reduce their exploitation, if they're either going to keep the traps in or out.

MR. AUGUSTINE: Mr. Chairman, this is a difficult one but if we're going to do what we said we're going to do and try to reduce mortality and be fair to everyone, I would suggest that we have the traps out of the water.

I hope Mr. McElroy doesn't mind, but we had a previous phone conversation and discussed what might be a good option; that because of the possibility of inclement weather for the period of time that these pots are to be taken out, there could be a window of a week or two prior to that pots could be taken out, in which case up to the date that the lobster pots have to be taken out they could keep the legal-sized lobsters and/or fish if they're permitted to so.

And at the other end also a one- or two-week window to allow the pots to be taken out if there is inclement weather at that end. However, it would be stated that any product that they were not permitted to take – in this case it would be lobsters – if they had permits for black sea bass or whatever, they'd be allowed to keep those; however not the lobsters.

It would seem logical and reasonable in the view that we've got concerns about how many pots are going to be in the water, anyway, fish pots. That would be my suggestion. Whether you need it for clarity purposes or as a notation to go on there, that is what I would suggest, Mr. Chairman.

MR. McKIERNAN: Mr. Chairman, you've got a couple of issues in play here. One is there is a Large Whale Take Reduction Plan requirement that gear be hauled every 30 days already in the books. You also have issues of lost and abandoned gear that could proliferate if a season closure were adopted without the requirement to bring the gear home. I would be happy to make a motion just to establish on the record that it is the intent of the board to require gear to be removed from the ocean and brought ashore during any season closure.

MR. MILLER: Mr. Chairman, I would like to register my objection to that suggestion regarding removing the gear from the water from this standpoint. I've already stated that the fishery from Delaware southward is largely conducted with sea bass pots. My understanding of the fishery – and I'm

basing this upon a conversation I had with our principal lobster-landing fisherman – he informed me that a sea bass pot that is baited catches lobsters; a sea bass pot that is unbaited catches sea bass, so why do the pots have to be removed during the closure period if they don't have bait in them? Thank you.

MS. KERNS: Roy, if your pots are not designated as lobster traps, which I believe you guys do not issue trap tags, so you do not have lobster pots and your pots would not have to be removed. It's all lobster pots would have to be removed from the water.

MR. AUGUSTINE: Mr. Chairman, as I recall, Mr. Ross made a presentation before lunch and he had indicated that if you are a lobsterman working in the EEZ and you had a fish pot, whether it was black sea bass or not – I may stand corrected, Mr. Ross – that they would be considered as lobster pots because they do catch lobsters. Could I have some clarification on that, Mr. Chairman?

MR. ROSS: The history behind this Area 5 black sea bass waiver was a specific request by the Mid-Atlantic states to exempt black sea bass fishermen because the primary focus of that fishery was black sea bass and there was always an incidental lobster take. We did implement a regulation that said if you do have a federal black sea bass permit and a federal lobster permit and you fished exclusively in Area 5, then we waive all federal lobster gear requirements for you as a black sea bass fisherman.

Therefore, my take would be that dual federal permit holders, those with black sea bass and lobster, would, if they operate under this Area 5 waiver permit, be exempt from those requirements. Now, the caveat here is we do allow them a non-trap bycatch, the 100 a day up to 500 per trip of five or more. Those are our regulations. We can't do emergency rulemaking so that regulation would continue.

MS. KERNS: I think that states would just not be able to allow for the possession of lobster during that closed season.

MR. HIMCHAK: I just wanted to add that Area 5 includes half of our offshore waters, and I'm glad for Mr. Ross' explanation about the dual permits and the bycatch. It applies to us well and not just Delaware south.

MR. SIMPSON: I support the concept of what Dan is putting forward, and I'm glad there is a fix for the issue with black sea bass. I'd like to hold the final decision on this until February and until we know

what jurisdictions want to implement. I think the scenario described where you have a four-month closure, it would be fairly easy to give them a couple of weeks at the beginning and a couple of weeks at the end and move gear in and out and then you'd have three months, say, with gear out of the water; but if a jurisdiction – Area 2 ended up choosing September, you know, it needs to be a minimum of one month, that's not enough time to get all the gear out and put it back in. I think it's contingent on the – if there is a season restriction used, it's contingent on what season is chosen, so if we could just hold that until February.

CHAIRMAN GIBSON: I don't have an objection to that. I think we're pretty clear on the record that there is an expectation that if we're dealing with lobster pots that are trap tag allocations, that they need to come out of the water. If they're another type of gear that catches lobsters in a trap allocation, they can't possess the lobsters during that closed period but there is not an expectation for the gear to come out. I don't have a problem with that discussion happening in February. Is the board okay with that? It sounds to me like that is the case, so what else do we have on housekeeping for XVII, anything? Terry.

MR. STOCKWELL: Related to that, Toni, will you be able to run that by the enforcement committee?

MS. KERNS: I'm sorry, Terry, I didn't understand the last bit that you said.

MR. STOCKWELL: Will you be able to run that last issue by the enforcement committee for their comments?

MS. KERNS: We can do that.

DISCUSSION OF AREAS 2 AND 3 PROPOSALS

MR. ROSS: Just one other issue to be evaluated is the potential for our permit holders that have multiple areas, what is the option if they are in Area 2 and that closes at one time and in Area 4 and that closes another? We have to address that.

CHAIRMAN GIBSON: I don't know the answer to that.

MS. KERNS: The most restrictive rule; that's what we do for all other competing measures is the most restrictive rule.

MR. ROSS: So I guess I'm confused. In other words, say if you're a 2, 4 permit holder, you'd be bound to close both periods? I'm just seeking clarification.

MS. KERNS: I believe that is how the most restrictive rule would apply, yes.

MR. SIMPSON: Yes, and to that point and others, I guess I'd really encourage everyone to look at that January through April because I think it's attractive for a number of reasons. As I think I said before, it gives everyone between a 7 and 12 percent reduction; and if stockwide we got the 10 percent we need, then there is none of this problem with two area tag holders and consistency between adjacent areas and all that kind of thing. You know, think about January through April.

CHAIRMAN GIBSON: Thank you, and I think we will be thinking about that between now and February. Dan, do you have something final on that?

MR. McKIERNAN: Just a quick question; I'm looking for guidance. The Area 2 or the Area 3 LCMTs and members of those teams have worked pretty hard on a well-baked set of proposals for a trap allocation reduction. Can we move on that in the interim? Between now and February can we ask the PDT to review that and without waiting for the other LCMTs to serve theirs up? There is a desire to get this in place well before NMFS does their transferability.

CHAIRMAN GIBSON: Yes, I don't see why not. It might change the numbering of addendums. Toni, do you want to speak to that?

MS. KERNS: The PDT can look at that information; and then if you asking for us to initiate an addendum and the other areas are not ready to move forward with options yet, then we would be moving forward for Areas 2 and 3 without the other areas. I'll have to look at the budget to see how much we've budgeted for next year in terms of how many addendums we said we would go forward with.

MR. McKIERNAN: Even if we didn't create a separate addendum, I'd like to bring the Area 2 and 3 plans to some kind of near endpoint; and then even if we park them waiting for the others to go forward in a full addendum, I think the industry needs the signals that come from having these things vetted and discussed and refined and improved, which I think PDT input could accomplish.

CHAIRMAN GIBSON: Dan, do you have a motion for that? Why don't you make a motion to that effect and we can have some discussion about it. We don't need a motion?

MS. KERNS: If the board is in agreement that the PDT looks at the Area 2 and 3 proposals that have been drafted, then we don't need a motion for that. Is it just the PDT that you want to look at that or the PDT and the technical committee?

MR. McKIERNAN: Both.

CHAIRMAN GIBSON: Okay, is there consensus from the board to have that happen? Bill.

MR. ADLER: Yes, it's just that apparently now we're not going to come back at February with a trap addendum or not. I mean, I do think that they worked very hard in getting those two trap plans for two and three.

The original thought was that we were going to tell somebody to come back with an Addendum XVIII in February, which has nothing to do with the 10 percent thing – that's coming, anyway, but starting the process of taking the trap reduction idea out to public hearing, perhaps, but we'd have to take a look at the addendum in February and then say, okay, send this out for comments. Now, is that not what is happening here?

MS. KERNS: Well, it will depend on whether or not if all the other areas have come forward with recommendations to scale the fishery to the resource in February and if the PDT and the technical committee will have time to review all of those plans and then draft those into an addendum.

If we don't have sufficient time to review all of that information and draft it into an addendum, then I need to work with Bob to look at the budget to see how much we have set aside for lobster for next year and how much we can move forward – how many addendums we can actually do next year.

We've initiated an addendum through this motion, XVIII, and so there is that initiation. It's just whether or not that XVIII goes out for public comment in February to be reviewed in May or if we develop it between now and May and it goes out for public comment in the summer. It just depends on how much time it takes for the states to get their LCMTs together and give recommendations and then whether or not the technical committee will have time, once those recommendations come in to be looked at, so

that they can provide feedback to the board. But the PDT will review the Area 2 and 3 plans for February.

MR. AUGUSTINE: To that point, Mr. Chairman, I'm sitting here and thinking what we have gone through so far today and trying to move the lobster amendment forward and now all of a sudden – and, please, believe me, I've read the Area 2 and 3 plans. I think it's fabulous; it's outstanding, except that we have three holidays between now and February.

We've got Thanksgiving, Christmas and New Year's, and we're going to lay on top of that, unless it's a simple assessment for the technical committee and the PDT to move forward with something to advance what we want to do, I think if we can get a consensus of opinion from this board that what has been moved forward for Area 2 and 3 is not only appropriate but it's correct, that takes the pressure off our people. Unless you want to do it and can do it and present to us in February this new outline, I just think we're backing our technical committee and our PDT into a corner. If you want to take it, it's on you folks.

MR. R. WHITE: Mr. Chairman, we've had a couple in the audience that wanted to address this Area 3 issue and I'd like to hear from them if you could indulge them.

MS. BONNIE SPINAZZOLA: Mr. Chairman, I'd like to mention to everyone that the plan that Area 2 and 3 has already drafted – and we spent a good deal of time drafting it – we've sat down with Rhode Island, Massachusetts and the federal people to make sure that this plan can move forward, but most importantly what we've done is it hovers strictly around transferability, which none of the other areas have right now. Only Areas 2 and 3 have it.

Therefore, we feel that it would be a very long time for us to be able to move forward if we waited for any of the other areas. Further, it's also related to trap reductions that do not request any credit from anyone, so we're not really asking for the technical committee to be able to evaluate it for anything.

We're not asking that it go toward the 10 percent credit or anything. What we're trying to do is right size our industry to the size of the fishery because we look forward – it may not be something we're doing tomorrow, but we're looking into the future for wind farms and that sort of thing, and we just want to get rid of traps and we want to right size the industry.

Again, we're not asking for credit so therefore there is really nothing for the technical committee to look

at. Certainly, if the PDT wants to look at it and craft it in such a way that it could go forward in an addendum, that's great. We would like to move as quickly as possible because it has to go to NMFS, and we would like to implement it along with transferability because it also has limited growth involved in it so that all of the traps can't jump in at once. Therefore, we have to get this in place before transferability can be in place, so we'd like to move it as quickly as possible. Thank you.

MR. GROUT: Just a quick question on the discussion that we had about traps in and traps out of the water, and there will be nothing in Addendum XVII that is going to say traps in/traps out, but it will be decided by each LCMT; is that what came out of the conversation? Originally there was a motion that was up there that was never recognized or seconded by Mr. McKiernan.

MS. KERNS: I think it's the intent of the board to do final approval of XVII in February once we have every LCMA's plan so that each LCMA's plan will be codified within the addendum itself. My understanding of what Mark had said is that it was the intention of the board to have traps out of the water unless there was some other rationale or not, but to let the LCMTs know that it was the intention of the board to have traps out if we had these longer season closures; so that when they're deciding on which regulations they want to put in place, that they knew that ahead of time.

MR. HIMCHAK: Mr. Chairman, two quick questions; will somebody kindly provide me with a roster of LCMT members so that when I have my next meeting I know who to invite. Then the other issue is that I'm desperate to come out of this meeting with something, and we did ask that the board task the PDT and TC to work with New Jersey's staff to address data issues.

You know, this trawl survey one that you have problems that we didn't do the data, well, I'll take that off the table and we will just limit it to issues one and two, the bulleted items one and two. I can send another letter like next week and ask the TC and PDT and whomever exactly what we're looking for in their analysis. I mean, do I have to ask you to formally task them? If I write you a letter, they could say, well, we're too busy doing any number of other things.

CHAIRMAN GIBSON: No, I don't think there is any problem with the technical committee working with the state of New Jersey, and we'd be happy to

look at that letter. I'm just trying to temper your expectations what we would do with that information relative to actions right now absent a benchmark peer-reviewed terms of reference and all those sorts of things. That's all, but I have no problem with the letter coming forward, being forwarded to the technical committee for their response, and a give and take going back and forth that.

MR. HIMCHAK: Well, it's critical to me because in developing these state proposals I have to go to the Marine Fisheries Council and they have to help me develop the regulations for a 10 percent reduction. If I don't have satisfactory answers for them, they're not going to budge on developing a proposal.

CHAIRMAN GIBSON: I understand, Pete, and I would encourage you to send that letter in and I will forward it to Toni and the technical committee. Pat Augustine.

MR. AUGUSTINE: And then a followup; I asked a question and Ms. Spinazzola was able to comment and describe how complete their document was, so the answer from the PDT and technical committee is that they will be able to do something on behalf of Area 2 and 3 in time for the February meeting?

MS. KERNS: Again, the technical committee and the PDT can review the Area 2/3 proposal, but under the action plan, as it is listed, we only have one round of hearings for lobster for next year. If it is the intent of this board to do two separate documents, XVIII for 2/3 and then a XIX for everybody else, then that action plan needs to be altered in order for us to have the money to do those hearings.

MR. AUGUSTINE: Thank you; I didn't know which direction Mr. McKiernan wanted to go. I think he was representing the group on that; and if we want to that, is he going to make a motion to do that?

CHAIRMAN GIBSON: Yes, that's where I think we're at. The 2/3 plan would have to be rendered into an addendum document; and if they take their time and the commission's resources to do that, then you're going to need another one, XIX, to deal with the rest of the issues that we have initiated up there, and it will effectively change the number of it. That's where I think we're stuck right now. We understand what has been done for Area 2/3 and their enthusiasm for it, but there are limited commission resources relative to the actions. Dan.

MR. McKIERNAN: I'll tell you what; at the February meeting we'll serve up a draft document;

and if it looks clean enough, you can move it forward; and if you want to shelve it until later when the other areas come forward, do that.

MS. KERNS: I'm sorry to keep making my point, but at the Action Plan Workshop Mark will need to come forward as the Lobster Board Chair and make a recommendation that the lobster budget be altered to have two rounds of hearings. Right now there is only one. The Action Plan Workshop I believe is on Wednesday; and so if that is the direction that this board wants to go in, then Mark needs to know that today so he can make that recommendation during the Action Plan Workshop.

MR. R. WHITE: Mr. Chairman, might the timeline allow the addendum for 2 and 3 to have the same hearing dates, such that it wouldn't be an additional expense?

MS. KERNS: It's possible, but I don't want to speak for all the other LCMTs. If the TC has to address for the February meeting Pete's concerns for New Jersey and then the TC needs to review all the LCMTs proposals for this Draft Addendum XIX and the TC needs to review the proposals for Addendum XVII, that's a lot of work on the technical committee in a very abbreviated timeframe.

I cannot imagine that the LCMTs are going to be able to get all of these different proposals done by December 24th. The February meeting is the 7th through the 9th, so we would need to hold a TC meeting somewhere in early January order to provide all this information to the board prior to the meeting. I can't imagine that Draft Addendum XIX would be initiated for public comment until the May meeting just knowing the rate at which the workload will get done.

CHAIRMAN GIBSON: I'm going to go to Bob Ross and then I'd like the board to allow me to have Dave Spencer come up and address this issue again from the industry from the 2/3 perspective.

MR. ROSS: This relates to the 2/3 issue also. NMFS is very appreciative of the board as well as the involved states that they included NMFS in the early stages of these discussions on the Area 2/3 document. Again, it directly applies to current rulemaking we're in to implement a limited entry program and a transferable trap program in three of the LCMAs. I believe NMFS has been clear to the industry and the states that it is unlikely we would be able to incorporate these measures immediately into our current rulemaking. Therefore, we are very much

aware of the proposals in these documents related to transferability and trap reductions, et cetera, but our current rulemaking is fairly far along. Therefore, the measures identified by Areas 2 and 3 are on our radar but unlikely to be implemented immediately with our next rulemaking that would implement the transferable trap system.

MR. DAVID SPENCER: Mr. Chairman, we're sensitive to the fact that not all of these recommendations can be rolled into NMFS current rulemaking. However, you have to realize that this plan actually puts constraints on the amount of growth that can occur through transferability. The longer that gap between the implementation of transferability and the implementation of this plan can allow for some consequences that the industry is really – and I would hope the board does not want to realize.

I think that is one reason that this needs to move forward. I think two other things I feel are important. The foundation for this plan was initially tried to be submitted to this board a year ago at the meeting in South Carolina. Area 3 had the fundamental aspects of this plan and we've been trying to get it into the board for a year now, so this didn't just come up in the last few months and we're trying to run this through.

I think probably the most important thing of all is I think you have an industry in Area 2 and 3, Rhode Island and Massachusetts, who is anxious and willing to get these measures into action, and I don't think it's prudent for the board to lose that opportunity. With all due respect, to pin this at the same time as Addendum XIX for public hearings, the rate at which these things move probably won't happen next year at all and we'll waste another year. I would urge that this move as quickly as we can into public hearings and let Addendum XIX fall where it may. Thank you.

CHAIRMAN GIBSON: So, to the board, it seems if we're going to follow that course of action they have suggested, we would need a motion which changes the numbers and to change the number in this motion or perhaps that can be via a technical change, but a motion to initiate the addendum required to move the 2/3 element of it forward as quickly as possible with an understanding that the remainder gets taken up in XIX, and then I'll have to deal with the commission staff on their budget and their ability to pull this off.

MR. ADLER: I'll make that motion, whatever you said, to move ahead with Addendum XVIII on

2 and 3. Is that what you basically were saying and I'll make that motion.

CHAIRMAN GIBSON: Seconded by Bill McElroy. Toni.

MS. KERNS: I just have a question for clarification for the plan development team. This proposal from Area 2/3 is meeting the requirements of what is proposed on the board as Addendum XVIII, so this is the Area 2/3 proposal to meet the terms of reference for this addendum?

CHAIRMAN GIBSON: Yes, that's my understanding, and again we may need a technical revision to the passed motion that identifies Addendum XVIII might have to be changed to XIX. The motion has been made and been seconded. Discussion on that motion. Bill McElroy.

MR. McELROY: In an ideal world it would certainly be nice to get everybody on the same page at the same time; but as we've found in several meetings, it's awfully difficult to get something started. We've done an awful lot of work to get the Area 2/3 proposal up and alive and fleshed out to a great extent.

We would not object to the fact that we were out in front of the rest of the areas as long as the clear intention was for the rest of the areas to eventually come on board as quickly as they could with their own iteration of what they need to do to support this, but we're not upset that we might be out a few months ahead of the rest of the pack. Thank you.

MR. GROUT: Let me see if I can help out here. I'm going to suggest that the second phase there be referred to as Addendum XIX with the particular goals and items that are left that are in that motion and that we move ahead with Draft Addendum XVIII, which would apply to LCMAs 2 and 3, their specific effort control plans that they have already developed and just keep it totally separate; and then when we get to XIX, because as you'll see on XIX we're talking about traps fished as opposed to I believe the Draft Addendum XVIII may not have a 25 percent reduction in traps fished as an option.

CHAIRMAN GIBSON: Toni is saying that we've already specified a 25 percent trap reduction has to be at least one of the elements in the addendum. You're suggesting that this action might not include that, so it's a separate action of what was previously done. We need to clarify the numbers right now.

Otherwise, we're going to be talking about XVIII and XIX. There is no XIX at this point.

MR. GROUT: That's what I was trying to see if we could do a technical thing to refer to draft addendum up in the motion that we just previously passed that deals with sizing the fishery to the resource as XIX.

CHAIRMAN GIBSON: I will look to the parliamentarian and the staff to figure out how to relabel the addendum in the last motion.

MR. GROUT: We've done that before.

MR. BEAL: Well, I think changing the wording of previously approved motions is a pretty risky business. Obviously, the last 15 minutes of the conversation has been trying to sort out these two numbers; and if the board is comfortable with the second phase that is referenced in the motion that is up on the screen right now and that passed earlier and the board is comfortable with calling that XIX, I think making that change within the wording of that motion is probably safe. If there is no objection and everybody feels they fully understand what is going on, XIX will be the second phase and XVIII will be the LCMA Area 2 and 3 proposals.

CHAIRMAN GIBSON: Does anybody have an objection to that? Seeing none, can we reflect that the passed motion speaks to XVII and the second phase as XIX and now we're back on this motion relative to Addendum XVIII for LCMA 2 and 3. Pete Himchak.

MR. HIMCHAK: Yes, I had just a point of clarification, Mr. Chairman. This effort control program for 2 and 3, this is to occur after or coincident with the 10 percent reduction under the current Addendum XVII; is that correct?

MS. KERNS: Pete, Addendum XVII will move forward as approved. We're not doing the final approval of Addendum XVII until we have all of the LCMTs plans, but they still will have to take a 10 percent reduction. They will have to come forward with a plan either by changing the size of their season to have a 10 percent reduction.

This effort control program will be the second phase – their second phase of the motion that we did earlier. So if what they've put in doesn't include a 25 percent reduction in traps fished, then that option will also be included and the technical committee will look at options that they think may needed to be included as

well as the PDT; just as we will do for the other areas.

MR. McELROY: Mr. Chairman, I think it's important to note here that the intention of the 2/3 effort control plan would be that it would not begin until transferability was in place as we're keying off the National Marine Fisheries Service final approval of the transferability function.

MR. STOCKWELL: Mr. Chairman, I'm a little wrapped around the axle with the language on this particular motion. We're moving to initiate Addendum XVIII to address the LCMA 2 and 3 effort control programs to meet the terms of the second phase in the previously approved motion? That makes no sense to me.

CHAIRMAN GIBSON: Well, other than the sequencing of the numbers, what doesn't make sense? They have an obligation under that Addendum XIX and this is the vehicle they're going to propose to do it.

MR. STOCKWELL: Well, I think I know what it's trying to say, but it's not saying it. We're going to initiate the draft addendum to have the technical committee review the proposal that has been provided to us to address – I mean, I'm looking for some explanatory here I think probably from Dan and other folks who helped draft the proposal as to how we're going to move ahead with this.

MR. McKIERNAN: Maybe if you just struck the phrase "to meet the terms of the second phase of the previously approved motion"; in other words, just to proceed with Draft Addendum XVIII on the LCMA 2 and 3 effort control programs, period. No?

MS. KERNS: Well, Dan, if you do that, then you would then still have to be a part of the previous motion. It's my understanding, to explain to Terry, that Areas 2 and 3 have already done their homework for what we have discussed as the second phase. They worked ahead of schedule than everybody else.

They had the foresight of this is coming and so this is what they've put together. The reason why we kept in to say "meet the terms of the second phase" is that this board has put some specific requirements in what you all believe should be included in the draft addendum that moves forward. Area 2 and 3 would just like to move forward more quickly, and they want to be guaranteed that they can move forward more quickly.

That's why we're doing two different addendums. That second phase is a motion that we spent all morning working on for Areas 2 and 3, and then Areas 4, 5 and 6 will come in what I assume will be May and we'll do hearings for them in May.

MR. STOCKWELL: Well, I've have had the opportunity to read the trap consolidation proposal. It looks fairly solid to me, but my understanding is it hasn't been before the technical committee.

MS. KERNS: And that's the point is for the TC and the PDT to review it, add any options in addition to what they've proposed, and that would go out – be considered by the board for public comment approval in February; and if it was approved, we would do public comment in the spring and then come back to the board for final consideration in May.

MR. STOCKWELL: Well, if you're taking all of that out of this motion, I'm satisfied.

MS. KERNS: That's what I am taking out.

CHAIRMAN GIBSON: Anybody else on this motion? Okay, we'll caucus and then dispense with it.

(Whereupon, a caucus was held.)

CHAIRMAN GIBSON: **Okay, the motion is move to proceed with Draft Addendum XVIII on LCMA 2 and 3 Effort Control Programs to meet the terms of the second phase in the previously approved motion. Motion by Mr. Adler; seconded by Mr. McElroy. Okay, everybody ready for the motion? Okay, all in favor raise your hand; any opposed; abstentions or null votes. Seeing none, it's unanimous.** Boy, that was a winner; where was that one earlier? What is next?

MS. KERNS: On the agenda we had presentations for NOAA Fisheries on where they were moving forward with all of their proposed rulemaking, but Bob has some other –

MR. BEAL: Well, it's up to the board and the chairman, but the meeting with Massachusetts delegation downstairs needs to start right now essentially. If the board is comfortable, the National Marine Fisheries Service and the Trap Tag Data Base Updates can be given. We may be missing one or two representatives on the board, but I think Dan McKiernan will be able to stay here as a Massachusetts representative for a while, anyway.

CHAIRMAN GIBSON: I would suggest, Bob, those who need to be at that go ahead and go; and those that remain from the delegation, we can hear those updates and pass it on. Peter, you're up.

REGULATORY UPDATE FROM NOAA FISHERIES

MR. PETER BURNS: For the record, my name is Peter Burns. I'm with the National Marine Fisheries Service, Northeast Region, here in Gloucester, Massachusetts. I'd just briefly like to brief the board on a proposed rule that we're hoping will publish soon in the Federal Register. Given the importance of this meeting and the fact that there will be a lot of Area 1 folks and the commission folks from Area 1 here, we wanted to give you advanced notice that the proposed rule will be underway soon.

Just a little background; this is going to be a proposed rule on the Area 1 Trap Fishery Limited Entry Program. We're hope that this rule will be published some time this month and we will have a 45-day comment period. We're hoping to get a lot of comments on this. Just for a little background; this goes back to Addendum XV.

The board approved Addendum XV due to concerns that since Area 1 is the only lobster management area that doesn't have any restrictions on federal trap permits in that area and all the other federal management areas have either a limited entry program for traps either in place or under development, there were some concerns that a lot of those federal lobster permits could migrate into Area 1.

The purpose of Addendum XV would be to maintain the stability of the Area 1 lobster stock and fishery by capping federal lobster permits at current levels in Area 1 and preventing other lobster trap permits from entering into the fishery. Our proposed rule has the following criteria that would qualify federal lobster permits into the Area 1 fishery based on past performance.

It would require that the Area 1 permit was renewed any time during the 2008 fishing year, which runs on the federal side from May 1, 2008, to April 30, 2009. It would also require that any qualified federal permit would have to have purchased a trap tag during any year between 2004 to 2008.

The understanding would be that it would account for any kind of short-term lapses in the fishery for anybody and give them the opportunity to have that

trap tag purchased in one of those years. It would still be an 800-trap allocation straight across the board like we do currently under the Area 1 program, so that all they'd have to is show just one trap or however many trap tags purchased.

We had a slight variation in our qualified criteria compared to Addendum XV. You'll recall that Addendum XV had a January 2nd control date that would look at Area 1 permits that were in place prior to that date. When we looked at that, we considered the fact that for decades now our federal permit holders have had to the end of the fishing year or until April 30, 2008, to renew their permits.

Given that, we looked at who might have renewed their permit after that date and up until April 30th. There were a negligible number of Area 1 permit holders that had a trap tag purchase and renewed their permit during the 2008 fishing year after that time period. It adds hardly anything on to the – I think it's an additional 2 percent qualified permits would result from this, but we thought it would be worth considering because we considered them part of the subset of Area 1 lobster trap permits.

We anticipate that once this program gets implemented, the next step after the proposed rule will be a final rule. 88 percent of all Area 1 permits – that would be any permit that had an Area 1 trap fishery designation in the 2008 fishing year and bought a tag would qualify, and that's about 88 percent of all Area 1 permits, which is consistent with what we've seen now for the last ten years.

We haven't seen any real changes in the number of permits with tags, but the potential is there so that's why this is an important rule. It would qualify about 1,643 permits, which is about half all of our federal lobster permits, so you can see that there is a lot of effort stacked up there that could potentially migrate into the fishery if we didn't implement this program.

Right now we just want to let you know that this rule is imminent, and we're requesting your comments. As soon as it gets published, we will notify the media channels and the commission and everyone through our normal channels. It will be on our website. There will be the proposed rule and the Draft Environmental Assessment that we use to analyze the various management measures that we did in response to Addendum XV.

We will have a 45-day comment period. Then we'll hope that they will have a final rule on this action in early 2012 and then start implementing the

qualifications of the permits starting in the 2012 fishing year, which begins in May 2012. That's it, Mr. Chairman. If there are any questions, I'll be happy to answer those now.

CHAIRMAN GIBSON: Thank you, Peter. Any questions from the board? Seeing none, I guess we'll move on. We have one more item, a

REPORT ON THE TRAP TRANSFER DATA BASE

MS. KERNS: I'll lead into Bob's presentation. Several board members had requested an update on the trap transfer data base and the timeframe for it to be built. I've talked with folks from ACCSP and they have promised a delivery date of April 1st for the trap transfer data base.

MR. ROSS: This is just following up on the earlier note. I had mentioned that we are in rulemaking to do a limited access and a transferable trap program. This has been a long-term project. Those that are veterans of the board are aware that this has been going on for many years.

Basically, what we're doing here is Area 2 and the Outer Cape Area, we're going to implement a limited access program based on commission recommendations. These actions have already been completed by the states. We are going to use the same historic qualification criteria, and we will work with the impacted states to address any inconsistencies that may have occurred with their qualification process versus ours.

The second step here is then once we have these two areas, following up again on commission recommendations, we'll move forward with a transferable trap program for three areas. The two areas – we're just qualifying Area 2 and the Outer Cape, and in addition we're implementing this transferability program in Area 3, an area where we had already established a limited entry program back around 2003.

As you are aware the problem why the delays in this, it's a very complicated process; obviously, three stock areas, seven management areas, et cetera. These plans have evolved over several years and they were developed by several different lobster conservation management teams. Our issue is consistency across all federal permit holders, and that has been part of a lot of our effort to move this rulemaking forward in an attempt to mirror what the

states have done and also meet all of our other federal mandates.

What ultimately gave us the green light to go forward was the commission's approval of Addendum XII in February 2009. This addendum established a uniform approach for limited access program across the different LCMAs. I won't bore you with the details here, but basically the issue here is all of our federal permit holders are also state permit holders.

How do track history when in effect you have a dual permit, a state and federal? So, again, until that was resolved with Addendum XII NMFS was a difficult position to go forward because the different states were using different metrics for their process. The same thing is true – again, Addendum XII was our template on how to go forward with transferable trap programs. It's the very similar issues. The three impacted LCMTs had come up with different measures, different taxes, different approaches.

What we attempted to do was identify consistencies through those different LCMT processes and bring that information forward. Again, we published back in May 2010 our Environmental Impact Statement, about a thousand page document, that articulated our approach. It also encourage public comment on several key areas here, such as how do you address appeals, should transfers be consistent across the three areas or should they be area-specific?

Some areas in fact qualified in vessels but it gave them a zero trap allocation. Deadlines for transfers were inconsistent. Minimum numbers of transferable traps; some want 10 traps, others wanted 50 traps. These are the kinds of issues that we sought public comment in during our public comment period.

Again, bearing in mind what happened back in May 2010 is what we're living with today at the board, this Southern New England Addendum XVII. The technical committee in May 2010 announced the status of the Southern New England Resource and also proposed a five-year moratorium.

At that same time we're going out to public hearings on this document that is also addressing Southern New England actions. The vast majority of the comments we received both at the board and the state and industry level was to delay moving forward on our limited access program and transferable trap program until the commission had clearer direction on what they were going to do in Southern New England.

So basically from May 2010 we obviously were very engaged in the Southern New England discussions and were looking at ways to keep moving our regulatory process forward while we waited to see where the Southern New England action went. We felt comfortable about November I believe at the – I believe it was the February board meeting or the March meeting.

At that point we felt a little more comfortable on the direction the board was heading in. We started moving forward with our regulations again. So where are we on the proposed approach? Lobstermen will continue to fish under the most restrictive rule; therefore, there are disconnects between our qualification of traps and those qualified at the state level.

The most restrictive rule would contain the number of traps that are actually in the water. We acknowledge in fact that state data is the most complete data to be used in the Outer Cape and Area 2 process. Therefore, we assume using that state data and using the commission-established mechanism to allocate traps that we should be consistent with what the states have done.

We will also attempt to establish an expedited limited access program process by working directly with the impacted states and looking at their data and any disconnects we have we expect to resolve in those negotiations, those discussions. What is our timeline? We're looking at the proposed rule potentially by the end of this year, potentially early into the next calendar year.

We definitely want this final rule out in the 2012 fishing year. We will begin again on this expedited qualification process. We expect the majority of our permit holders will be aligned with the state allocations by the end of 2012. There are always outflyers, and we're going to have issues with them.

Assuming that we can move forward in 2012 and qualify the majority, it's our expectation at this time that we will also be able to turn on the transferable trap program during the 2012 fishing year. We identify it as an optional program because if the state allocation and the federal allocation are not in alignment, we would not authorize those dual permit holders to participate in a transferable trap program for obvious reasons.

If there is a disconnect on what the state gave them in traps and what the federal government gave them in traps, we can't allow those traps to be transferred

until that is resolved. That's our timeline. The rest is peripheral information. Any questions on that? Thank you.

(Whereupon, the meeting was adjourned at 3:45 o'clock p.m., November 7, 2011.)

OTHER BUSINESS

CHAIRMAN GIBSON: Thanks, Bob. Any other business to come before the board?

MS. KERNS: I just wanted to thank Mark and Carl for their tenure as board chair and technical committee chair for the past two years. It has been fun working with them and I'm looking forward to a New Hampshire joint team, because Doug is our incoming chair and Josh as the technical committee representative from New Hampshire is the incoming chair.

CHAIRMAN GIBSON: Thank you. Doug has done half the work already, so it's a bit unfair to him at this point. Dave Spencer, you have something?

MR. SPENCER: Mr. Chairman, I'll be very brief. I just couldn't leave the meeting today without – there was Addendum XVII. To me one of the most important parts of it was Section 2.1.3 under data collection, Pages 9 through 12. I think Toni did a good job of highlighting the deficiencies of the lack of standardization through our current data collection systems, the lack of any sort of biological information in the federal waters portion where over 50 percent of the Southern New England Fishery now takes place and that trend is likely to continue and to grow.

There are some issues with SAFIS, the lack of observer coverage in federal waters, and to me this was the most important part of Addendum XVII that got no discussion today. I think it was a job well done; it's laid out; and I think that it's the obligation of this board to take some action and to rectify that situation. If we're serious about managing lobster, you can't have problems like that. I think there is a structural problem in moving ahead with managing lobster unless these problems are addressed. Thank you.

ADJOURNMENT

MR. FOTE: Move to adjourn.

CHAIRMAN GIBSON: Thank you; approved by everyone.